

EPC COMMISSION MINUTES & AGENDA

MONTH September

YEAR 1993

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**MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING**

SEPTEMBER 20, 1993

**WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA**

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Hartsuck at 10:00 a.m. on Monday, September 20, 1993, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Verlon Britt
William Ehm
Richard Hartsuck, Chairperson
Rozanne King
Charlotte Mohr
Gary Priebe
Nancylee Siebenmann
Clark Yeager

MEMBERS ABSENT

Margaret Prah

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - City of Orchard - 1:00 p.m.
- Add: Appointment - City of Waterloo - 2:00 p.m.
- Item #7 - presented by Stan Kuhn rather than Allan Stokes, as shown on agenda.

Motion was made by Charlotte Mohr to approve the agenda as amended. Seconded by Clark Yeager. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Rozanne King pointed out that the motion on the bottom of Page 32 should be corrected to list William Ehm as voting "~~Nay~~" rather than herself. She had cast an "~~Aye~~" vote on this motion.

Motion was made by Rozanne King to approve the minutes of August 16, 1993, with the corrections noted above. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS AMENDED

DIRECTOR'S REPORT

Larry Wilson, Director, stated that one aspect of the Groundwater Protection Act of 1987 focused on the pursuit of environmental education and conservation education programs. He related that the department had recently received the 14th Annual Tally Award which recognizes outstanding non-network film and video productions. He noted that responsibility for the award goes to Teresa Hay and the Waste Management Assistance Division for production of the video entitled "Sarah's Tree." The video was developed for grades K-5 and focuses on waste reduction and recycling. It explores where garbage goes, encourages activities to reduce garbage, and explains the concept of recycling. The video was shown to the Commission.

Director Wilson distributed brochures about an upcoming recycling conference along with copies of the latest edition of the Iowa Recycling Directory.

Discussion followed regarding distribution of the videos. Ms. Hay noted that Movies To Go will have copies on hand for free use to the public.

CONSTRUCTION SITE EROSION CONTROL MANUAL - CONTRACT APPROVAL

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Commission approval is requested of a contract with Iowa State University Engineering Extension for the development of a construction site erosion control manual. The contract would be for \$38,880 over a 10 month period. Fees collected by the Department for stormwater discharge permits would be used as the source of contract funds.

Contract funds would support the development of a construction site erosion control manual that would provide a review of applicable state and federal requirements concerning the control of runoff from construction sites and would identify and provide guidance on the selection, design, construction, and maintenance of construction site control practices. The manual would also be used as a reference in conducting four training sessions to instruct consultants, developers, builders, and contractors how to minimize construction site erosion by incorporating erosion control practices into their site development plans.

An advisory committee consisting of representatives of various agencies and interested parties will be formed to guide the manual development. Comments received during the training sessions would also be incorporated into the final document. A limited number of copies of the manual will be provided to the Department and others but normal distribution will be through Extension at the cost of reproduction.

Mr. Kuhn explained the contract and purpose of same.

Rozanne King asked how the advisory committee will be selected.

Allan Stokes stated that the department will have a major role in selection of the committee which will be composed of representatives of ISU and regulated parties in the construction industry.

Motion was made by William Ehm to approve a contract with ISU Engineering Extension for development of a Construction Site Erosion Control Manual, at a cost of \$38,880. Seconded by Rozanne King. Motion Carried unanimously.

APPROVED AS PRESENTED

WETLANDS PROTECTION STRATEGY CONTRACT - IOWA NATURAL HERITAGE FOUNDATION

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Commission is requested to approve a contract with the Iowa Natural Heritage Foundation (INHF) for the development of a wetlands protection strategy for the Iowa Great Lakes watershed. The wetlands protection strategy would include:

- Prioritizing wetlands for the purpose of acquisition, preservation and restoration. Funds from various sources are currently being used to acquire, preserve or restore wetlands in the Great Lakes watershed. GIS technology and water quality models will be used to prioritize wetlands based on water quality and fish and wildlife benefits (or potential benefits) so available funding can be used to maximize benefits. The strategy will also identify areas where agricultural best management practices should be implemented to reduce sediment and phosphorus delivery to the wetlands and the Great Lakes.
- Development of a public information program to inform landowners within the watershed of wetland preservation and restoration benefits.
- Development of a volunteer monitoring program for lakes and wetlands.

The contract workplan is currently being finalized with the INHF.

The contract amount is for \$73,233. Funds to support the contract will be provided by a \$99,096 grant to the Department under the U.S. EPA's State Wetlands Protection Grant Program. The INHF will be providing the 25% match required under the grant program. A portion of the grant

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funding will be used for Department staffing associated with GIS work and contract administration.

Mr. Kuhn briefly explained the contract and noted that the INHF has been active for a number of years in terms of wetland protection in the Great Lakes area.

Brief discussion followed.

Motion was made by Charlotte Mohr to approve the Wetlands Protection Strategy Contract with Iowa Natural Heritage Foundation in the amount of \$73,233. Seconded by Nancylee Siebenmann. Motion carried unanimously.

APPROVED AS PRESENTED

Rozanne King asked if the Commission will receive a report following completion of the contract.

Mr. Kuhn indicated that a report can be provided to the Commission for information.

PUBLIC PARTICIPATION

Jack Soener

Jack Soener, Vice-President of Iowa Association of Business and Industry, addressed the Commission on the rules dealing with air permits and operating permits noting that their goal is to make the new permit programs more efficient and effective by streamlining the process. Mr. Soener highlighted the following recommendations of the ABI membership: 1) The issue of air source construction permits must be addressed by DNR as the current permit program generates the most complaints of all the permit programs administered by the department. Complaints deal with problems regarding completeness review, length of time to receive permits, issues of dispersion modeling, and insignificant emission units. He noted that ABI recommends that a joint task force of ABI, DNR, and any other interested groups be formed to review the current procedure and make recommendations to streamline the air source construction permit process. 2) Place a cap on the fees of 4,000 tons per facility, per year instead of the current suggested fee cap of 4,000 tons per facility, per pollutant, per year. 3) Recommend that DNR staff develop a funding plan with Title V permitting program. Funding for the operating permit program would be accomplished by the payment of fees by the sources who have met regulated air pollutants. The Clean Air Act requires establishing the fee at \$25 per ton to be inflated each year based on the Consumer Price Index. The fee can be adjusted either way based on a demonstration by the permitting authority in the respective state. ABI believes Iowa can justify a lower fee. 4) ABI supports the concept of using the Title V permit fees structured to fund both the voluntary state operating permit program and the current new source review program, which is the present construction permit program.

Rod Van Dusseldorp

Rod Van Dusseldorp, City of Newton, addressed the Commission expressing opposition to the Special Waste Authorization rules noting that it would cost their landfill \$100,000 to handle the special wastes. He related that they do not have staff to survey the loads and it would require adding two people to their staff. Additionally, they would need someone specially trained to understand what is acceptable and what is not acceptable. He stated that he feels the department has a better control on the program, can handle it better, and would be more cost effective for them to do so.

Chairperson Hartsuck asked Mr. Van Dusseldorp if he has a specific recommendation in regard to funding since the department is operating under budget constraints.

Mr. Van Dusseldorp stated that a processing fee could be implemented to help handle the cost, but many ideas have been suggested and he cannot say which is the best.

Jane McAllister

Jane McAllister, Ahlers Law Firm, spoke to the Commission regarding the UST Ability to Pay rules. She related that the Commission tabled the issue last month to allow her to work with staff and others to develop new wording to address the public comments she had made. She related that she is now asking for additional time to do that as she could not find local assistance or guidance and had to retain a financial analyst to help. Mrs. McAllister noted that the analyst has reviewed the rules but did not give her the proposed new wording she was hoping for and she would like to ask for additional time.

Craig "Pete" Duffy

Craig Duffy, Marion County Landfill, read the following letter from David Honkomp, President of SWANA/ISOSWO:

"The Iowa Society of Solid Waste Operations (ISOSWO) recently conducted their annual meeting. At that meeting, the status of the special waste authorization program was of major concern to the membership.

It is the desire of ISOSWO and its membership that the Iowa Department of Natural Resources retain administration of the special waste authorization program. It is the position of ISOSWO that the program is already funded as a portion of the solid waste fees.

In addition, it is also noted that IDNR's own economic impact study reflected that the most economical way to conduct this program is to allow the IDNR to administer it.

Thank you for your consideration in this matter."

Mr. Duffy stated that the SWA program is the most important one they have as it polices the industrial sector and their wastes. He related that industry knows and respects the department's decisions. Mr. Duffy asked the Commission to direct the department to return to the program of issuing SWA's as it was prior to April 1993.

Clark Yeager asked Mr. Duffy how he would propose funding the program.

Mr. Duffy stated that it could be funded by a users fee, a permit fee as they are issued, or by going to the legislature and requesting an increase in the tipping fee.

Joe Robertson

Joe Robertson, Marshall County Solid Waste, stated that he would like to see the SWA program remain as it was at the state level. He related that he feels it is the best way to achieve a comprehensive and consistent program statewide to monitor the disposal of questionable wastes. He expressed concern that turning the program over to the local level could involve biased decisions by local political and budgetary forces. Mr. Robertson stated that, in the past, a landfill operator could require the owner of a questionable waste to provide the DNR an analysis so that proper disposal could be planned. Under the proposed plans, the owner of the wastes would have to supply an analysis plus pay for the services of a consultant. This would bias their decision on whether to be forthright or to try to disguise small quantities of the waste to avoid possible costs. In closing, he stated that as the current system stands, DNR with their policing ability must provide approval. To eliminate the SWA program from the department would provide no control.

Brief discussion followed regarding the policing action of the program.

Stuart Feldstein

Stuart Feldstein, Nishna Sanitary Services, Inc., addressed the Commission expressing Nishna's opposition to the proposed Special Waste Authorizations rules being presented today. He pointed out that the majority of landfill operators do not feel that there should not be an SWA program, as suggested in one public comment. He suggested that in view of the department's lack of funding, the tonnage fee should be reviewed as to what it is currently funding and see if it might be reallocated to keep the program at the DNR.

Leslie Wolfe

Leslie Wolfe, ISOSWO, stated that at the July meeting the Commission tabled the Petition for Rulemaking on Leachate Controls to allow added time for discussion on it. He related that ISOSWO has met with DNR staff to review the language but the job is not complete, and he would ask that another 60 days be allowed to work it out.

ENERGY BANK PROGRAM

Larry Bean, Division Administrator, Energy and Geological Resources Division, introduced Monica Stone, the staff person who has direct contact with clients of the Energy Bank Program.

Monica Stone presented an overview of the Building Energy Efficiency Program giving an in-depth explanation of the following topics: Building Energy Management Objectives; Capital Improvements Needed; Funding Options; SIFIC Legislation; and Energy Bank for the Schools, Hospitals, and Local Governments. She discussed the operating costs and explained operational differences between the programs. She pointed out that the keys to the success of the program are the direct, personal attention and technical integrity of the staff.

Discussion followed regarding operating costs and payback as a result of improvements.

Director Wilson and Chairperson Hartsuck thanked Ms. Stone for an excellent presentation.

INFORMATIONAL ONLY

SECTION 319 CONTRACTS

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Commission approval is requested for eight contracts which will provide EPA Section 319 funding for nonpoint source (NPS) pollution control projects. The contracts are currently being finalized and the contract amounts indicated will be the maximum, the final amount may be slightly less. With the exception of the Animal Waste Management Demonstration Project, the contracts will be with the Division of Soil Conservation (DSC) of the Iowa Department of Agriculture and Land Stewardship. The Animal Waste project contract will be with Iowa State University Extension (ISUE).

The projects and contracts are as follows:

Carroll County Livestock Pollution Abatement Project - DSC - \$45,000

The contract will support the first year activities of a three year project designed to protect and enhance the surface and groundwater resources of Carroll County by reducing the movement of animal waste from open feedlots and animal confinement operations to these waters. This will be accomplished by working with area livestock producers to develop and upgrade animal waste management systems and to utilize these systems as project demonstration sites. In addition, technical assistance will be provided to livestock producers concerning animal waste management practices and needed training will be provided to project personnel and other

interested parties in the design and management of waste management systems. Funds will support a staff position to work with the Soil and Water Conservation District and SCS in carrying out the project.

Iowa Great Lakes Water Quality Protection Project - DSC - \$37,000

The contract will provide support for the fourth year of a five year project to reduce sediment, nutrient and pesticide pollution in the Iowa Great Lakes Region. The funds will be used to provide salary for an Environmental Specialist who will coordinate wetlands development and restoration plans, nutrient and pesticide management programs, best management practices, and joint Iowa/Minnesota activities in the basin; and plan and conduct public information and education activities.

West Lake Water Quality Project (Clark County) - DSC - \$47,083

The contract will support the fourth year of a five year project to preserve, protect and improve the water quality of the West Lake Reservoir for use as a municipal, industrial and rural water supply and as a fish, wildlife and recreational resource by reducing the movement of sediment, nutrients and other agricultural pollutants into the lake from its watershed. Funds will be used to support an Environmental Specialist position to conduct project activities including a nutrient and pest management program. In addition to nutrient and pest management, the project emphasizes use of conservation tillage, buffer strips, and terraces as best management practices.

Floyd County Groundwater Protection Project - DSC - \$37,000

The contract will support the fourth year of a five year project to protect the quality of groundwater in the Devonian bedrock aquifer, which is an important source of drinking water for area residents, by reducing nonpoint source pollution of the aquifer by nutrients and pesticides. Funds will be used to support an Environmental Specialist position to develop and coordinate project activities. These activities include improved nutrient and pesticide management, the establishment of buffer strips around sinkholes, and closure of agricultural drainage wells.

Lake Pahoja Water Quality Project (Lyon County) - DSC - \$42,500

The contract will support the third year activities of a three year project to protect and improve the water quality of Lake Pahoja by reducing the movement of sediment, nutrients, and pesticides to the lake from its watershed. Funds will be used to implement an Integrated Crop Management program, to restore and develop wetlands, to establish buffer strips along major drainageways, and to implement animal waste management and other best management practices.

Coon Creek Water Quality Project (Allamakee/Winnesheik Counties) - DSC - \$88,621

The contract will support the final year of a three year project to protect and improve the water quality of Coon Creek, a cold water stream in Northeast Iowa used as a trout fishery, by reducing the movement of sediment and animal waste to the stream. Funds will be used to support project

staff and to provide financial (cost share) incentives for best management practice (BMP) installation. BMP's being used include contour stripcropping, terraces, animal waste management, fencing of and establishing trees or other permanent vegetation within stream corridors, and improved pasture management.

Pine Creek (Upper and Lower Pine Lakes) Water Quality Project (Hardin/Grundy Counties) - DSC - \$79,250

The contract will support the first year activities of a three year project to protect and improve the water quality of Upper and Lower Pine Lakes by reducing the movement of sediment, nutrients, and other agricultural pollutants into the lakes. Funds will be used to support financial incentives for best management practices, the salary and benefits of a project coordinator, and a public information and education program.

Animal Waste Management Demonstration Project - ISUE - \$64,120

The contract will support the final year of a 25 month project to establish a network of farms throughout the state where alternative open feedlot waste control systems can be observed and system management and waste disposal requirements discussed with the feedlot operators. In addition, the project will develop and distribute public information materials on animal waste management systems. Project activities are being coordinated with other animal waste control projects within the state. Funds will support a staff position within ISUE to carry out the project.

Mr. Kuhn briefly explained each contract noting that the Carroll County and Pine Lake projects are new projects, whereas the others are continued projects.

Motion was made by William Ehm to approve the Section 319 Nonpoint Pollution Control Project Contracts as presented. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

1994 ENVIRONMENTAL MONITORING AND LABORATORY SERVICES AGREEMENT WITH THE UNIVERSITY OF IOWA

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Commission is requested to approve the FFY 1994 Agreement with the University of Iowa's Hygienic Laboratory (UHL) for environmental monitoring and laboratory services. The agreement includes air quality monitoring and reporting, water quality monitoring (ambient and compliance), fish tissue analysis, water supply analysis and reporting, and provisions for analytical work related to the underground storage tank and uncontrolled sites programs. The

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proposed 1994 agreement is essentially a continuation of the 1993 agreement with minor changes and does not include any major new initiatives or activities.

The total amount of the agreement is estimated at \$606,069. Attached is a summary of the projected costs broken down by program area. The agreement amount reflects UHL's best estimate of their actual costs plus the University of Iowa's indirect cost rate. Most of the agreement will be supported by funds from various EPA grants. Under Iowa Code §455B.103, the Department is required to contract with the UHL for these services unless the required services cannot be provided by the UHL.

ESTIMATED AGREEMENT BUDGET

TASK DESCRIPTION	FIXED PAYMENT AGREEMENT AMOUNT *	VARIABLE PAYMENT AGREEMENT ESTIMATE **	ONE TIME AGREEMENT AMOUNT ***
Air Quality Monitoring			
Staff	138,289.00		
Monitor Operation and Expenses		63,718.00	
Asbestos - Sampling		11,600.00	
Subtotal	138,289.00	75,318.00	0.00
Water Quality Monitoring			
Fixed Monitoring -Monthly	85,530.00		
Fixed Monitoring -Quarterly	20,000.00		
Compliance Sampling Inspections (CSI)	68,730.00		
Field Support Sample Analysis	61,355.00		
Fish Kill Sample Analysis		1,000.00	
Emergency Response	25,000.00		
Fish Tissue Monitoring		1,000.00	
Storm Water Runoff Sampling		5,000.00	
Subtotal	260,615.00	7,000.00	0.00
Water Supply Monitoring			
Primary drinking water monitoring		3,100.00	
SOC and pesticide monitoring		1,200.00	
Unscheduled investigations		1,200.00	
Reporting UHL analytical data	32,311.00		
Reporting non-UHL analytical data	26,436.00		
Subtotal	58,747.00	5,500.00	0.00
Leaking Underground Storage Tanks			
		20,000.00	
Waste Monitoring			
		40,600.00	

Total of Columns	457,651.00	148,418.00	0.00
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Total Estimated Agreement Amount	606,069.00
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- * The amounts in this column will be divided up into four quarterly payments. They are not expected to change during the contract period.
- ** The amounts in this column are to be billed to the Department monthly or quarterly. The total amount may change during the contract period. These are only estimates of the final values.
- *** The amounts in this column will be billed to the Department when they are needed and will be paid in full at that time.

(A copy of the agreement is on file in the department's Records Center)

Mr. Kuhn gave an explanation of the contract and asked the Commission's approval.

Chairperson Hartsuck asked if anyone else has ever approached the department and offered to provide this service.

Mr. Kuhn stated that the Code requires the department to contract these services with the University Hygienic Laboratory.

Nancylee Siebenmann asked if the department has any oversight or evaluation of these services.

Darrell McAllister, Water Quality Bureau, stated that the department keeps track of the number of samples submitted, turn around time, and cost for each sample. Also, DNR staff from each program have regular meetings with the UHL staff.

Motion was made by William Ehm to approve the 1994 Environmental Monitoring and Laboratory Services Agreement with the University of Iowa at a cost of \$606,069. Seconded by Nancylee Siebenmann. Motion carried unanimously.

APPROVED AS PRESENTED

WASTE CHARACTERIZATION AND RECYCLING STATISTICS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

At the July 19, 1993 Commission meeting, information was requested on the following items:

- 1) The estimated percentages of residential and commercial wastes in the waste stream;
- 2) The estimated percentage of Iowa cities presently offering recycling programs.

The following are responses to these requests:

- 1) Based on national sampling and analyses conducted by U.S. EPA, residential wastes make up approximately 55 to 65 percent of total municipal solid waste (MSW) generation, while commercial wastes range between 35 and 45 percent of total MSW generation (for 1990). The attached section from U.S. EPA's "Characterization of Municipal Solid Waste in the United States: 1992 Update" defines residential and commercial wastes and explains the methodology used. Although Iowa has not conducted a state-specific survey, discussions with solid waste planners have indicated estimates that fall within the U.S. EPA range: Approximately 60 percent residential and approximately 40 percent commercial.
- 2) Division staff estimates that approximately 452 Iowa municipalities (approximately 50%) have recycling services. This information was obtained through grant reports, conversations with recycling coordinators, solid waste comprehensive plans, grant applications, and surveys returned for the division's recycling directory. The information is not based on an exhaustive survey specifically asking whether or not a municipality has recycling services; therefore, it is likely that the actual number is higher than 452. It must also be noted that some municipalities in which drop off or curbside collection is located may serve other surrounding areas.

Chairperson Hartsuck asked how well Iowa cities are doing in meeting the mandated reductions.

Ms. Hay replied that she does not know at this time and staff will eventually compile that information.

INFORMATIONAL ONLY

LANDFILL ALTERNATIVES GRANT APPLICATIONS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

Eighteen (18) grant applications were selected for funding from the round of applications submitted the first Monday in June, 1993. A brief summary of each successful project follows for the Commission's information. Three (3) of the grant awards are for less than \$25,000. Contracts for the other fifteen (15) will be in excess of \$25,000 and will be brought to the Commission for contract approval at this and future meetings.

- 1) Universal-Rundle Corporation \$189,700

This waste reduction project will utilize grant funds to assist in the purchase and installation of machinery and equipment. The applicant manufactures fiberglass bathtubs, showers, and one

piece tub and shower units. With the project, the applicant will reduce the amount of solid waste generated in the manufacturing process by 405 tons annually. The project is located in the City of Ottumwa, Wapello County. Evan Kaffenes is the contact person at the corporate headquarters in New Castle, PA.

2) Heritage Area Agency on Aging

\$26,200

A waste volume reduction project that replaces polystyrene meal containers, used in the agency's home delivered meals program, with reusable meal trays. Grant funds will be utilized for the purchase of reusable trays, tray carriers, tray sanitizers, office supplies, and delivery charges. The agency is located in Cedar Rapids, Linn County. Over 75,000 home delivered meals were served during the past fiscal year in this project's service area. The project area will include at a minimum, Benton, Cedar, Johnson, Jones, and Linn Counties. Thomas Miskimen is the Director and Judy Parks is the Associate Director.

3) Johnson County Recycling Center

\$104,376

The applicant, located in the City of Coralville, Johnson County, will utilize grant funds to construct a building addition, purchase additional equipment, and a van. The facility expansion will allow the applicant to accept additional materials from new accounts that are initiating recycling programs. Dennis Rogers is the owner of Johnson County Recycling Center.

4) City of Waterloo

\$300,000

The City is proposing to implement a curbside collection program for recyclable materials. Grant funds will be utilized for the purchase of curbside containers and recycling vehicles. Collected materials will be delivered to a local recycler for processing and marketing. John Meyer is the Public Works Director and the Mayor is Al Manning Jr.

5) Comprehensive Systems, Inc.

\$145,000

Grant funds are requested to assist in the construction of additional processing and storage space and processing equipment. The applicant is located in the City of Charles City, Floyd County and accepts materials for processing and marketing from Floyd, Mitchell, and Franklin Counties and the City of Clear Lake. Rick Tinpen is the Executive Director.

6) The Blueberry Plastic Mill Corporation
\$187,500

Implementation of this grant project would significantly increase the operating capacity of the applicant's facility for the manufacture of value added, recycled plastic resins from pre-consumer and post-consumer sources. The applicant receives recyclable plastics from numerous Iowa suppliers and is negotiating with other major suppliers. With the project the applicant would add additional employees and increase the current 1.5 million pounds per year operating capacity to 6 million pounds per year. Resin purchase orders are in line with the expanded manufacturing capacity. Grant funds will be used for the purchase and installation of a second plastic flake washing line and automatic proportionate mixing equipment for compounding recycled resins. John Neubauer is President of The Blueberry Plastic Mill Corporation.

7) Horizons Unlimited of Palo Alto County \$272,093

The applicant is requesting grant assistance to expand the capacity of the regional recycling center in order to accommodate the increased volume of recyclable materials received. Increased materials are the result of two (Kossuth and Pocahontas) counties joining Palo Alto County to jointly send materials to the applicant for processing and marketing. Grant funds will be used for the purchase of processing equipment and construction of a building addition. Horizons Unlimited is located in the City of Emmetsburg, Palo Alto County. Ron Ludwig is the Executive Director.

8) Mason City Recycling Center, Ltd. \$125,600

The City of Mason City, Cerro Gordo County applicant will utilize grant funds for building improvements, equipment and semi-trailer purchases. The applicant serves as a market for several state recyclers. The project will allow for acceptance of additional types of recyclable materials, co-mingled materials, and new sources of recyclable materials. Dean Hess is owner of Mason City Recycling Center.

9) Animal Rescue League of Iowa, Inc. \$68,000

The applicant is located in the City of Des Moines, Polk County and is seeking grant assistance for the purchase and installation of two crematory units. The two main disposal options, landfilling and rendering plants are no longer available to the applicant. Animal carcasses will be banned from the landfill beginning November 1, 1993. and the major rendering plants in the area have not accepted dog and cat carcasses for processing since mid 1992. The incineration for volume reduction project will be made available to veterinarians, municipal animal shelters,

humane societies and leagues, as well as pet owners in Polk and contiguous counties. Dr. Judith Anne Conlin is the Executive Director of the Animal Rescue League of Iowa, Inc.

10) Ames Technologies, Inc.

\$175,000

This pilot project involves the manufacture and testing of railroad ties made from shredded tires, sulfur, and fly ash. These ties are to replace the conventional creosote treated timber and concrete railroad ties. Grant funds will be used for equipment development and purchase, materials testing, supplies and wages. The applicant is located in the City of Ames, Story County. Jolene Hynes is the project manager.

11) Changing Times Diaper Service

\$68,628

The applicant will provide a reusable diaper service in Cedar Falls/Waterloo and surrounding communities. This waste reduction project is seeking financial assistance for the purchase of reusable diapers, a delivery van, advertising, delivery expenses, and wages. The applicant is located in the City of Cedar Falls, Black Hawk County. Eileen Jensen-Anderson, James Anderson, and Marilyn Van Sant are co-owners of Changing Times Diaper Service.

12) South Central Iowa Sanitary Landfill

\$39,860

The applicant, located in the City of Winterset, Madison County, will implement a pilot project to evaluate the use of waste glass as an underdrain material at the South Central Iowa Sanitary Landfill. The two phased project involves a preliminary material characterization of crushed waste glass and based on preliminary results, phase two consists of construction of a pilot test cells. Leachate generation rates and drainage rates of the pilot cell will be monitored. Grant funds are requested for equipment rental, testing, test site preparation and test site closure. Marcia Beeler is the Manager of the South Central Iowa Landfill.

13) Rosebar Tire Shredding Center, Inc.

\$85,442

The applicant is requesting grant assistance for the purchase of a car tire debader and a truck tire debader and a baler for the purpose of removing a bottleneck in the flow of materials. The project will also improve the recovery of waste rubber from the tires, improve the marketability of the wire found in tires, and decrease the amount of materials currently being landfilled. Eleanor Kaiser is the owner of Rosebar Tire Shredding Center, Inc. and is located in the City of Vinton, Benton County.

14) City of Coralville

\$13,080

The City of Coralville, Johnson County is proposing to implement a pilot project designed to recover recyclable materials from multi-family residential units. Forty-four percent of the City's population resides in multi-family dwelling units. Grant funds will be used for printing/project promotion, recyclable materials processing fee, and wages. Kelly Hayworth, City Administrator is the contact person for the project.

15) City of Coon Rapids

\$12,000

Grant funds are requested to assist in the purchase of a used packer truck to collect corrugated cardboard from commercial entities and transport the cardboard to the Carroll County Recycling Center for processing and marketing. This City of Coon Rapids, Carroll County, pilot project is designed to determine the feasibility of recovering corrugated cardboard from outlying communities. Geraldine Richardson, City Clerk is the point of contact.

16) Monona County Solid Waste Agency

\$47,250

Grant assistance is requested to expand the recyclable materials processing capacity of the existing recycling center. The center is located near the City of Turin, Monona County and has reached an agreement with Harrison County to process materials recovered from Harrison County's recycling program. Grant funds will be used for a baler, conveyor, and education programs. Bob Wright, Treasurer of the Monona County Solid Waste Agency is the point of contact.

17) Area XIV Agency on Aging

\$3,840

This waste reduction project will replace styrofoam cups with reusable containers for desserts, fruit, salads and other foods in the homebound meal delivery program. Grant funds are requested for the purchase of the reusable containers. The applicant is located in the City of Creston, Union County and delivers meals to persons in Adair, Adams, Clarke, Decatur, Ringgold, Taylor, and Union Counties. Lois Houston is Executive Director and Mary Linderman is the contact person.

18) Cedar River Paper Company

\$300,000

The applicant is proposing to construct a facility that will manufacture corrugated cardboard from 100% recycled fiber. The mill will purchase approximately 245,000 tons of old cardboard and 74,000 tons of other waste paper, with the exception of newspaper and magazines. Grant funds are requested to assist in the purchase of a paper machine. The applicant facility will be located in the City of Cedar Rapids, Linn County and John Croushore is the point of contact

Ms. Hay briefly explained the grant applications.

Clark Yeager asked if there were any facilities other than Rosebar that have received a second grant.

Ms. Hay pointed out that grant applications numbered 5, 6, 7, and 8 were all awarded a second grant. She added that a facility cannot have two grants active at the same time.

INFORMATIONAL ONLY

LANDFILL ALTERNATIVES GRANT CONTRACT APPROVAL - ANIMAL RESCUE LEAGUE OF IOWA, INC.

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

From the fifty grant applications received for consideration during the June, 1993, grant round, eighteen grant projects were selected for funding. Of the eighteen grant awards, fifteen are in excess of \$25,000.

At this time, the Commission is requested to approve the attached contract with the Animal Rescue League of Iowa Inc. Portions of the contract for Commission review and approval are attached. The remaining thirteen contracts will be brought before the Commission for review and approval at a future meeting.

ANIMAL RESCUE LEAGUE OF IOWA, INC.

ARTICLE V. SCOPE OF WORK

- 5.1 **Project description.** The Contractor will have constructed, a building addition to accommodate the purchase and installation of two (2) crematory units for the purpose of incinerating animal carcasses and the purchase and installation of associated equipment. The Contractor will provide public awareness and education programs and materials to citizens, veterinarians, and other shelters in the Project Area. The Contractor will advertise the crematory services, hours, and availability of the Project within the Project

Area. The Contractor will offer contractual services to veterinarians and others in the Project Area for the use of the crematorium. The Contractor will provide for office supplies, vehicles, operating expenses, staffing, insurance, and consulting fees required to successfully implement the project.

- 5.2 **Materials.** Materials to be collected for combustion by the Contractor from the Project Area includes: the carcasses of dogs, cats, raccoons, deer, and other animals picked up by animal control officers or brought to veterinarians and other shelters within the Project Area.

A written listing of the number and weight of carcasses to be incinerated and the source of carcasses shall be provided to the Department. This listing shall describe the method of delivery of the carcasses to the facility. A written listing of contractual services provided to veterinarians within the Project Area shall be provided to the Department. A summary of air and solid waste testing and test results required by any federal, state or local agency shall be provided to the Department.

- 5.3 **Public awareness, news media.** The Contractor shall conduct at least one multi-media notified open house event open to all interested parties, after the Project is operational, and will encourage media visits at other times. The Contractor shall notify the Department of the open house no later than thirty (30) days prior to the scheduled date of the open house. The Contractor shall promote and inform the public of the Project and Project events through the use of newspapers and/or other media within the area serviced by the Project.

Public awareness, education. The Contractor shall develop a public awareness and education program about legal disposal methods of animal carcasses and the Project targeting private citizens, veterinarians, and other humane shelters located within the described Project Area. Brochures to accompany the public awareness, education and promotion of the available crematory services shall be made available throughout the Project Area.

- 5.4 **Project monitoring.** The Contractor shall document and monitor the number, type and weight of animal carcasses incinerated, the source of animal carcasses whether euthanized by the Contractor or brought to the Contractor dead-on-arrival, the name of veterinarians and others for which contracted services are provided, the weight and site of disposal of incineration ash, and the results of any air and solid waste testing required by any federal, state, or local governmental agency. The Contractor shall document and submit operating costs and revenues of the Project. Monitoring results shall be reported in monthly and final reports to the Department as described in 5.7 and 5.9 respectively.

- 5.5 **Permitting.** The Contractor shall contact the Environmental Protection Division of the Department (515-281-8941) to determine if a permit is necessary from the Department. If a permit is required, the Contractor shall prepare detailed plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins. If the Department determines that a permit is not necessary, a written confirmation from the Department must be provided.

- 5.6 **Purchases.** The Contractor agrees to make a concerted effort to contract at least two percent of all contracts which directly utilize grant funds in the purchase of supplies, equipment, construction and services with targeted businesses, minority owned businesses or women owned businesses. The Department shall release grant funds for reimbursement for eligible expenses, only after the Contractor documents in writing, a

summary of efforts regarding the above mentioned targeted businesses and the Contractor receives approval from the Department. Documentation of the Contractor's efforts may take place prior to placing purchase orders for all eligible contract expenses or the Contractor may elect to submit the documentation prior to the placing of purchase orders for each additional equipment, supplies, construction and services.

The Contractor shall purchase any item specified in the plans costing over \$10,000 on a competitive basis if this purchase directly utilizes grant funds. The purchase of equipment will include a local cost share of the actual purchase price of the equipment as identified in Appendix A, Budget. Subject to the five-year reimbursement provision as set forth below, the title of the property purchased by the Contractor shall remain vested with the Contractor. In the event that the Project fails and/or any item or items purchased or constructed, in which grant funds were used are sold for other than comparable replacement items for up to five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used in the purchase or construction of the property. For the purposes of this contract, comparable replacement items means items that maintain the intent of the project.

- 5.7 **Monthly reports.** The Contractor shall submit monthly reports on the Project. The monthly reports are due by the 15th of every month. The monthly report shall discuss the status of the project and shall include a monthly update of the information required in the Final Report described in 5.9.
- 5.8 **Pictorial history.** The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and Contract completion. The pictorial history shall be of such quality necessary for conferences, trade journals, and other sources to disseminate the results of the project. Provide necessary supporting information for clarification of pictorial history subject matter. This pictorial history shall be submitted with the final report described in 5.9.
- 5.9 **Final report.** The Contractor shall submit a final report on the Project. The final report shall include an overview of Articles 5.1 through 5.8 with special attention given to the following items:
 - 1) Information on the number and weight of carcasses incinerated and the source of carcasses, the method of delivery of the carcasses to the facility, the weight and site of incineration ash disposal, the name of veterinarians and others for which contractual services are provided, a summary of air and solid waste test results required by any federal, state or local agency, the impact of public awareness and education programs, project costs and revenues, and any conclusions and recommendations regarding the Project
 - 2) The environmental impact of the Project.
 - 3) Assessment of the viability of conducting this type of project in other facilities, communities, counties and regions within the State of Iowa.
 - 4) Details on all aspects of the Project during the Term of Contract, including an analysis of problems and successes encountered.
 - 5) Complete pictorial (slides) history of the Project. The pictorial history and supporting information must be of presentation quality.

- 6) Copies of all educational materials, brochures, newspaper and magazine articles, press releases, public service announcements and other written, audio, and pictorial materials that educate or promote the Project.

APPENDIX A
BUDGET SUMMARY SHEET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Crematory Units	\$ 61,200	\$ 6,800	\$68,000
Freezer	6,800	1,200	8,000
Building	0	63,500	63,500
Public Awareness and Advertising	0	15,175	15,175
TOTALS	\$ 68,000	\$ 86,675	\$ 154,675

Equipment to be purchased:
Crematory Units (2)
Freezer

Ms. Hay gave a detailed explanation of the grant contract and asked the Commission's approval.

Motion was made by Nancy Lee Siebenmann to approve the Landfill Alternatives Grant Contract with the Animal Rescue League of Iowa as presented. Seconded by Rozanne King.

William Ehm asked if a building now exists for this project.

Ms. Hay stated that they will have to construct a building to house the crematorium.

Motion carried unanimously

CONTRACT APPROVED AS PRESENTED

**LANDFILL ALTERNATIVES GRANT CONTRACT APPROVAL - MASON CITY
RECYCLING CENTER**

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

From the fifty grant applications received for consideration during the June, 1993, grant round, eighteen grant projects were selected for funding. Of the eighteen grant awards, fifteen are in excess of \$25,000.

At this time, the Commission is requested to approve the attached contract with Mason City Recycling Center. Portions of the contract for Commission review and approval are attached. The remaining thirteen contracts will be brought before the Commission for review and approval at a future meeting.

MASON CITY RECYCLING CENTER

ARTICLE V. SCOPE OF WORK

- 5.1 **Project description.** The Contractor will upgrade the existing facility by building loading docks, renovating drainage lines, and installing additional overhead doors. The Contractor will purchase and install a sort line for commingled materials, and purchase additional semi-trailers. The trailers will be spotted at various recycling centers to improve the transportation of materials to the facility for further processing and marketing.
- 5.2 **Markets.** Materials to be collected for recycling by the Contractor from the Project Area include, but are not limited to: newspaper, glass (clear, green, and brown), natural and colored plastic (HDPE and PET), cardboard, tin, and high grade paper.

A written listing of markets shall be provided to the Department. This listing shall describe the method of processing materials and method of delivery of the materials to each market. Any changes in materials, markets and marketing strategies shall be reported in the monthly reports as described in 5.7.

- 5.3 **Public awareness, news media.** The Contractor shall conduct at least one multi-media notified open house event open to all interested parties, after the Project is operational, and will encourage media visits at other times. The Contractor shall notify the Department of the open house no later than thirty (30) days prior the scheduled date of the open house. The Contractor shall promote the processing site and shall inform the public of the Project and Project events through the use of newspapers and/or other media within the area serviced by the Project.

Public awareness, education. The Contractor shall submit a copy of all materials that accompany public awareness, education and promotion of the Project.

- 5.4 **Project monitoring.** The Contractor shall document and monitor progress on building improvements; applicable items listed in Appendix B, Project Monitoring forms; applicable items as identified by the Department; and items described in Article 5.1. Project monitoring results shall be reported in monthly and final reports to the Department as described in 5.7 and 5.9 respectively.

- 5.5 **Permitting.** The Contractor shall contact the Environmental Protection Division of the Department (515-281-8941) to determine if a permit is necessary from the Department. If a permit is required, the Contractor shall prepare detailed plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins. If the Department determines that a permit is not necessary, a written confirmation from the Department must be provided.
- 5.6 **Purchases.** The Contractor agrees to make a concerted effort to contract at least two percent of all contracts which directly utilize grant funds in the purchase of supplies, equipment, construction and services with targeted businesses, minority owned businesses or women owned businesses. The Department shall release grant funds for reimbursement for eligible expenses, only after the Contractor documents in writing, a summary of efforts regarding the above mentioned targeted businesses and the Contractor receives approval from the Department. Documentation of the Contractor's efforts may take place prior to placing purchase orders for all eligible contract expenses or the Contractor may elect to submit the documentation prior to the placing of purchase orders for each additional equipment, supplies, construction and services.
- The Contractor shall purchase any item specified in the plans costing over \$10,000 on a competitive basis if this purchase directly utilizes grant funds. The purchase of equipment will include a local cost share of the actual purchase price of the equipment as identified in Appendix A, Budget. Subject to the five-year reimbursement provision as set forth below, the title of the property purchased by the Contractor shall remain vested with the Contractor. In the event that the Project fails and/or any item or items purchased or constructed, in which grant funds were used are sold for other than comparable replacement items for up to five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used in the purchase or construction of the property. For the purposes of this contract, comparable replacement items means items that maintain the intent of the project.
- 5.7 **Monthly reports.** The Contractor shall submit monthly reports on the Project. The monthly reports are due by the 15th of every month. The monthly report shall discuss the status of the project and shall include a monthly update of the information required in the Final Report described in 5.9.
- 5.8 **Pictorial history.** The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and Contract completion. The pictorial history shall be of such quality necessary for conferences, trade journals, and other sources to disseminate the results of the project. Provide necessary supporting information for clarification of pictorial history subject matter. This pictorial history shall be submitted with the final report described in 5.9.
- 5.9 **Final report.** The Contractor shall submit a final report on the Project. The final report shall include an overview of Articles 5.1 through 5.8 with special attention given to the following items:
- 1) Information on items identified in Article 5.1 and required in Article 5.4, applicable information from the Project Monitoring Information and Project Monitoring forms. The impact of public awareness and education programs. A description of Project costs and revenues. Conclusions and recommendations regarding the Project

- 2) The environmental impact of the Project.
- 3) Assessment of the viability of conducting this type of project in other facilities, communities, counties and regions within the State of Iowa.
- 4) Details on all aspects of the Project during the term of the Contract, including an analysis of problems and successes encountered.
- 5) Complete pictorial (slides) history of the Project. The pictorial history and supporting information must be of presentation quality.
- 6) Copies of all educational materials, brochures, newspaper and magazine articles, press releases, public service announcements and other written, audio, and pictorial materials that educate or promote the project.

APPENDIX A
BUDGET SUMMARY SHEET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Building Improvements	\$ 50,000	\$ 12,500	\$ 62,500
Existing Building	0	360,000	360,000
Sort Line	30,600	3,400	34,000
Semi-Trailers	45,000	5,000	50,000
TOTAL	\$ 125,600	\$ 380,900	\$ 506,500

Equipment to be purchased:

Sort Line
Semi-Trailers

Ms. Hay explained details of the contract and asked the Commission's approval.

William Ehm asked how staff would know what the building is worth adding that maybe the grant program built the building as part of a previous grant.

Ms. Hay stated that staff has to take their word on the value of the property unless there is a particular reason to doubt it.

Motion was made by Rozanne King to approve the Landfill Alternatives Grant Contract with Mason City Recycling Center as presented. Seconded by Charlotte Mohr.

Gary Priebe stated that it does matter if the building was constructed using previous grant funds because the Code states that the grantee has to supply 50% of the money for the project, and if they have received it through previous grant funds, then they have not supplied any money.

Discussion took place in regards to whether previous grant money was used in the purchase of the building.

Following recess for lunch, Ms. Hay explained that staff reviewed the previous grant contract with Mason City Recycling and they purchased their own building without any grant funds. She added that the previous grant in 1990 was used primarily for equipment purchases.

Motion carried unanimously

Clark Yeager requested that in the future staff include a brief synopsis on contracts that have received previous grants.

Chairperson Hartsuck reviewed that the Commission had the opportunity to attend a work group committee meeting to review the Landfill Alternatives Grant Program and it was very interesting and informative.

Ms. Hay distributed copies of a recap of the meeting along with recommendations coming from that group. She gave an overview of the changes that the department anticipates making in the Landfill Alternatives Grant program.

CONTRACT APPROVED AS PRESENTED

CITY OF ORCHARD - APPEAL OF VARIANCE DENIAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The City of Orchard has filed the attached appeal concerning the Department's denial of a request for variance from wastewater facility design standards requiring that lagoon systems consist of three cells. The City requests that they be allowed to construct a two-cell lagoon system. The City's appeal requests that the Commission hear this appeal directly rather than the matter proceeding through the normal Administrative law Judge process. Since the issues are relatively simple, and it would be beneficial to obtain a prompt decision so that the City may proceed with

construction of wastewater facility improvements, the staff does not resist the City's request that the Commission hear the appeal directly.

The first decision the Commission must make is whether to hear this matter directly, or require that it be heard by an Administrative Law Judge. If the Commission decides to hear the matter directly, it may then hear the presentations of the parties and make a decision. Documentation supporting the Department's position has been distributed to the Commission, and any materials submitted by the City will also be distributed.

Mr. Murphy stated that the variance request pertains to the city's desire to build a two cell waste stabilization lagoon system. The department rules require a three cell system. The city asked for a variance and the department denied it. Mr. Murphy noted that this would normally go through the contested case procedure with an ALJ hearing it, but the City of Orchard has requested that the Commission hear the appeal directly. He added that the Commission will need to decide whether they want to hear the appeal and staff feel it would be appropriate for the Commission to hear it in order to expedite a decision.

Motion was made by Charlotte Mohr to hear the briefs in this case. Seconded by Nancylee Siebenmann.

William Ehm asked if the the Commission rules against the city if they can appeal to an ALJ.

Mr. Murphy stated that the Commission will be issuing a final decision and the city's appeal would then have to go to district court.

Motion carried unanimously

COMMISSION WILL HEAR APPEAL

Mr. Murphy stated that the facts in this case were distributed to the Commission earlier. He pointed out that the department's design standards require that waste stabilization lagoons contain three cells. He indicated that the city wants to build a two cell lagoon and there are provisions to allow two cell lagoons if it's less than acre, but in this case it is greater than acre. Mr. Murphy related that staff evaluated the situation and there was a variance granted in a similar case to the City of St. Mary's. However, in that case the city replaced all septic tanks and made a commitment to the DNR that they would have a routine program of maintaining the septic tanks which preceded the lagoon system. He noted that the City of Orchard has not made a similar commitment. Additionally, the City of St. Mary's involved discharge to a general class stream whereas a receiving stream in this case is classified as a cold water stream, which requires that the highest degree of reliability treatment be provided.

Appointment - Carl Stuvick

Carl Stuvick, Councilman from Orchard, addressed the Commission urging them not to make a decision on this today because it would affect many other communities in Iowa. He noted that

Orchard has only 80 residents and they cannot finance a project such as this. He related that the community found a package treatment plant they could install for \$66,000 that would meet the requirements at that time. It was later found that because of changes in regulations it would not meet the requirements, so the city designed a two cell lagoon which would cost \$300,000. He noted that the city's residents now pay \$25 per month for sewer bills and will maintain that as the maximum to be charged since the residents meet the poverty income level. Mr. Stuvick stated that FMHA has already provided money to the city but they will seek additional money if need be. He emphasized that the cost per person to install a three cell lagoon would be exorbitant. He added that DNR will not guarantee the city that they will not have to make changes to the system in the future. He asked the Commission to listen to what the people say and to come up with a solution to the problem.

Discussion followed regarding the possibility of taking the city's sewage to the closest sizable town.

Appointment - John Lapointe

John Lapointe, Mason City, stated that the community of Orchard is so small they are almost where they would meet the two cell criteria. He noted that with 78 residents they would be allowed to have a two cell system.

Appointment - Dorman Otte

Dorman Otte, Farmers Home Administration, stated that the debt for the treatment facility as proposed for this community is in the neighborhood of \$7,000 per user. He related that those are the types of applications they are now receiving adding that there is a serious problem in meeting the mandates that DNR lay on these small communities. Mr. Otte stated that the state does not put any money in these systems as they either come from CDBG grants or FMHA, but FMHA is expected to correct the problems that are mandated to them. He discussed sharing the cost of these projects to make them work and distributed a Wastewater Cost Per User Analysis. He stated that there must be a way for the Commission, the financing agencies, and the communities to find ways to make regulations work for small rural communities instead of putting large community regulations on small communities. He stressed that more flexibility should be allowed in making variances.

Discussion followed regarding a viable solution to the problem, cost for the systems, and EPA regulations.

Rozanne King asked what the difference is between the two cell system and the three cell system in attaining the standards.

Darrell McAllister, Water Quality Bureau Chief, stated that the wastewater treatment plant for the lagoon is located in an area which will be discharging to a high quality stream and the department's concern is about the ability of the treatment plant to meet its permit limits. He related that the department worked with the City of St. Mary's who wanted to use septic tanks to remove some of the solids coming out of the household wastes so they could use a two cell

lagoon. They made a commitment to maintain and inspect their septic tanks to be sure they were working so that the two cell lagoon that was providing final treatment would be able to do its job.

Nancylee Siebenmann asked if the City of Orchard would be willing to make a similar commitment, if the department would give a variance to use a two cell system.

Mr. McAllister stated that the department would allow considering a variance if they were willing to make such a commitment.

Brief discussion followed.

Motion was made by Nancylee Siebenmann to table this item for 30 days and in the interim ask the city to look at the possibility of the inspection and maintenance of septic tanks as an alternative solution to the three cell lagoon, and that there be a discussion with DNR regarding their acceptance of that compromise. Seconded by Charlotte Mohr.

Mr. Stuvick analyzed that if the city had 78 people, a two cell system would not even need septic tanks on any house in town, but if there were 93 people and only half of the people have working septic tanks, then the city should still be in compliance. He added that if they have to do a septic tank survey they are right back at the beginning, talking 80 people spending \$5,000 to \$10,000 each for a survey. He stressed that that is a lot of money for people to pay as they have a lot of retired people in town.

Consensus of the Commission was that this is an issue that needs to be discussed and worked out with staff.

Motion carried unanimously

TABLED FOR 30 DAYS

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. City of Waterloo - Wastewater
- b. McGill Asbestos Abatement Company, Inc. (Omaha) - Air Quality/Penalty
- c. Clear Lake Stock Farms, Inc. (Osceola County) - Solid Waste/Penalty
- d. Anderson Excavating and Wrecking Co. (Omaha) - Air Quality/Penalty
- e. Full Moon Saloon (Jesup) - Drinking Water/Penalty

City of Waterloo

Mr. Murphy briefed the Commission stating that the City of Waterloo holds an operating permit and is under an Administrative Order to comply with its wastewater discharge limits. He related that there have been a number of violations in the first half of this year that were over three times what their allowable limits are. He noted that staff tried to work out a consent decree but were unable to do that. The main problem is the length of time the city is requesting to make wastewater facility improvements. The city also disagrees with the level of fine the staff feel is appropriate in this case.

Appointment - John Meyer

John Meyer, Public Works Director for the City of Waterloo addressed the Commission stating that the current process in this matter began in October 1992 when the City of Waterloo received a copy of a new draft wastewater permit which included ammonia limits. He related that the draft permit raised many questions and concerns, and noted that the city had been granted a moratorium and thought they were operating under that moratorium. Mr. Meyer stated that they have had permit violations but felt they had taken action to work out those problems. He noted that they received information from DNR in February 1993 and then developed their plan of action for the department to review. The city felt this was an appropriate plan but it was rejected by DNR staff. Mr. Meyer added that the city met with the department in August to discuss viable options to address the time frame constraints and costs. He related that they had anticipated a session of give and take but the majority of the discussion was a draft Consent Order. Mr. Meyer related that the rejection was based on the criteria that the city did not document the financial hardship they would endure and did not show any physical reasons that would warrant extended staging at the project site. He stated that the city was a victim of the weather in regard to violations last winter. In conclusion, he noted that the city needs time to complete the engineering analysis which may reduce costs. Additionally, he asked the Commission to delay the issue until December to allow them to work with staff on a schedule and plan to meet the necessary requirements.

Discussion followed as to what can be accomplished by tabling the matter.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Richard Hartsuck.

Motion was made by William Ehm to table the motion to refer for 60 days. Seconded by Clark Yeager.

Commissioner Ehm explained that he made the motion to refer to let the City know that the Commission is serious about this matter, and then moved to table it to give them time to work it out.

Motion to table carried unanimously

TABLED FOR 60 DAYS

MONTHLY REPORTS

Darrell McAllister, Bureau Chief, Water Quality Bureau, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 14 pages)

September 1993

Environmental Protection Commission Minutes

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
September 1, 1993

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 22 - Air Construction Permit Exemptions	6/21/93	7/07/93	8/02/93	8/23/93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
2. Ch. 22 - Sulfur Dioxide Emission Offsets-Muscataine	7/19/93	8/18/93	9/14/93	9/08/93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
3. Ch. 22 - Air Emission Source Operating Permits	9/20/93	*10/13/93	*11/ /93	*11/ /93	*12/20/93	*12/20/93	*1/19/94	*2/23/94
4. Ch. 23 - Emission Standards for Contaminants (Training Fires)	8/16/93	9/15/93	*10/ /93	*10/ /93	*11/15/93	*11/15/93	*12/08/93	*1/12/94
5. Ch. 61 - WA Standards-Antidegradation Policy	7/19/93	8/18/93	9/14/93	9/16/93 9/17/93 9/20/93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
6. Ch. 72 - Flood Plain Development-Protected Streams	7/19/93	8/18/93	9/14/93	9/08/93 9/09/93 9/13/93 9/15/93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
7. Ch. 100, 102 - Special Waste Authorizations	3/15/93	4/14/93	5/11/93	5/04/93	9/20/93	*9/20/93	*10/13/93	*11/17/93
8. Ch. 100, 103 and 111 - Financial Assurance Requirements for Municipal Solid Waste Landfills	*10/18/93	*11/30/93	*12/ /93	*12/ /93	*1/17/93	*1/17/93	*2/ /94	*3/ /94
9. Ch. 101 - General Requirements Relating to SW Disposal	7/19/93	8/18/93	*9/14/93	*9/14/93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
10. Ch. 131 - Notification of Hazardous Condition	9/20/93	*10/13/93	*11/ /93	*11/ /93	*12/20/93	*12/20/93	*1/19/94	*2/23/94
11. Ch. 135 - USF, Financial Responsibility	2/15/93	3/17/93	4/05/93	4/06/93	9/20/93	*9/20/93	*10/13/93	*11/17/93
12. Ch. 211 - Grants for Regional Collection Centers	7/19/93	8/18/93	9/14/93	9/16/93	*10/18/93	*10/18/93	*11/30/93	*12/15/93

MONTHLY VARIANCE REPORT						
Month: August, 1993						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	City of Graettinger	Wastewater Construction	DeWild Grant Reckert and Associates Co.	Buried Discharge Valves	Approved	08/02/93
2.	City of Orchard	Wastewater Construction	Yaggy Colby and Associates	Number of Lagoon Cells	Denied	08/02/93
3.	City of Waucoma	Wastewater Construction	Erdman Engineering	Minimum Sewer Size	Approved	08/05/93
4.	Chicago & Northwestern Railroad - Linn County	Flood Plain	Alfred Benesch & Co.	Freeboard	Approved	08/09/93
5.	Iowa Department of Natural Resources - Dunbar Slough - Greene County	Flood Plain		Storm/Storage Capacity	Approved	08/09/93

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Report of Hazardous Conditions

During the period August 1, 1993 through August 31, 1993, reports of 98 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
08/02/93 Scott	A saddle tank on a semi truck was damaged. The truck pulled onto an off-ramp near Davenport and 150 gallons of diesel fuel was released to the roadside ditch.	Pacific State Transport 1901 W. 21005 Salt Lake City, Utah 84119	Booms were placed across the ditch and free product was recovered. Contaminated soils will be excavated when feasible.
08/25/93 Scott	A pinhole leak was discovered near the top of a bulk acid truck when off-loading at the facility in Cedar Rapids. Approximately 20 gallons of hydrochloric acid was released. No injuries were reported.	Penford Products 1001 First Street Cedar Rapids, Iowa 52404	Soda ash was placed on the acid to neutralize it. Water was sprayed on the leak until the product was off-loaded below the pinhole. A plug was then placed in the tanker truck.

Month	Substance					Mode				
	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	83(87)	54(52)	8(4)	21(31)	51(42)	0(2)	25(24)	2(2)	0(0)	5(17)
November	84(83)	46(56)	7(3)	21(22)	38(44)	1(1)	26(22)	0(0)	5(0)	9(13)
December	67(81)	41(47)	9(7)	17(27)	37(40)	2(2)	28(28)	0(2)	0(1)	9(8)
January	61(64)	47(40)	0(6)	14(18)	32(33)	1(0)	21(22)	1(1)	0(1)	6(8)
February	39(61)	22(38)	2(6)	8(17)	22(36)	0(0)	13(19)	3(2)	0(0)	1(4)
March	71(79)	46(40)	4(15)	21(24)	45(50)	2(0)	21(14)	1(1)	1(0)	1(14)
April	90(107)	58(50)	12(35)	20(22)	55(47)	1(3)	29(39)	2(2)	0(0)	3(16)
May	120(141)	41(41)	52(64)	27(36)	68(75)	4(0)	38(49)	1(1)	2(3)	7(13)
June	103(105)	56(58)	24(25)	23(22)	57(51)	3(2)	30(28)	2(2)	8(3)	3(19)
July	100(85)	61(47)	14(7)	25(31)	64(47)	2(0)	28(18)	1(0)	0(0)	5(20)
August	98(107)	70(75)	7(9)	21(23)	61(57)	0(1)	31(30)	2(1)	0(1)	4(17)
September										

Total Number of Incidents Per Field Office This Period.

(numbers in parentheses for the same period in fiscal year '92)

1 2 3 4 5 6
24 8 2 4 30 30

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REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of August 1, 1993 through August 31, 1993, the following number of releases from underground storage tanks were identified.

17 (37)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1992.

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Ron Jungling d/b/a Jungling Texaco (Wellsburg)	UT	550	11-18-92
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Charles Hennaman (Mitchel Co.)	SW	450	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
McGill Asbestos Abatement Co., Inc. (Council Bluffs)	AQ	500	6-13-93
Anderson Excavating & Wrecking Co. (Council Bluffs)	AQ	500	6-28-93
Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	300	7-06-93
Robert Bodwell (Winterset)	UT	300	7-27-93
Clear Lake Stock Farms, Inc. (Osceola Co.)	SW	1,000	7-27-93
Franklin Raymond (Pacific Junction)	UT	300	7-27-93
Eddie Hemmer (Jones County)	AQ/SW	500	8-01-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	600	8-20-93
South Dallas County Landfill Assoc. (Dallas Co.)	SW	1,000	8-28-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Cliff Place (Waverly)	WS	300	9-02-93
Full Moon Saloon (Jesup)	WS	300	9-02-93
Dubuque Regional Airport (Dubuque)	WS	300	9-02-93

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	569	3-05-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	690	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove)	UT	300	1-12-92
Bernard Sadler/Ger-Mar Farms (Allamakee Co.)	SW	500	3-28-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
*Todd D. Behounek and Paul Behounek (Tama Co.)	SW	100	5-21-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Leonard Page d/b/a Kent Store (Kent)	UT	300	5-25-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	5-23-92
Dick White (Washington County)	AQ	250	5-15-92
Central Paving Corporation (Indianola)	UT	300	5-20-92
Marion Stark (Kellerton)	UT	300	5-26-92
Midway Water & Lighting (Marion)	WS	960	10-07-92
Robert Plendl d/b/a Plendl Bros. Trucking (Kingsley)	UT	300	10-15-92
Shirley Pecoy d/b/a Joe's Place (Sexton)	UT	300	10-19-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Cloyd Foland	FP	800	12-07-92
William D. Ames (Woodbury Co.)	SW	1,000	1-20-93
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	500	5-02-93
Dennis Doud d/b/a D & D Tire (Moravia)	UT	300	1-24-93
Tim Sharp (Newton)	UT	1,000	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93

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The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Amoco Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP (Iowa City)	WW	1,000
1st Iowa State Bank (Albia)	SW	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Maple Crest Motel and MHP (Mason City)	WS	350
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
McDowell Dam #2 (Lee Co.)	FP	500
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Wiota, City of	WS	500
Hickory Hollow Water Co. (Ankeny)	WS	400
Dell Oil Ltd. (Sioux City)	HC	1,000
White Consolidated/Frigidaire Co. (Jefferson)	WW	1,000
Linden, City of	WS	1,000
William H. Viner (Emerson)	UT	600
Humboldt County Sanitary Landfill Commission	SW	1,000
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Richard Newman (Des Moines Co.)	SW	500
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Ida County Sanitary Landfill (Ida Co.)	SW	1,000
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Waste Systems Corp./Ronald Roth (Winnebago Co.)	SW	1,000
Decatur, City of	UT	600
South High Point Well Assn. #1 (Iowa City)	WS	500
Case Power and Equipment (Decorah)	WS	500
Cedar Valley Corporation (Waterloo)	AQ	1,000
King's Terrace Mobile Home Court (Ames)	WW	500
TWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Kramneck (Scott Co.)	AQ	1,000
Country Mobile Home Court (New Hampton)	WS	845
Albert Rohwer/Chelmer Flynn (Scott Co.)	SW	1,000
Naucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Cargill, Inc. (Eddyville)	SW/WW	1,000
Fausser Oil Company, Inc. (Elgin)	UT	1,000
Land Renu, Inc. (Rockwell City)	SW	1,000
Holnam Inc. (Mason City)	AQ	5,000
Hanning Wood Products, Inc. (Winnesheik Co.)	SW	500
Cyclone Steeple Jacks Inc. (Nevada)	AQ	1,000
Newton, City of	SW	1,000
Wells Dairy, Inc. (LeMars)	WW	5,000
LeMars, City of	WW	5,000
Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	12,000
Economy Solar Corp. (Monticello)	AQ	100
Phil McMains (Appanoose Co.)	SW	4,000
Enviro Safe Air, Inc. (Sioux City)	AQ	100
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Casey's General Stores, Inc. (Anamosa)	AQ	1,000
Iowa-Illinois Thermal Insulation, Inc. (Clinton)	AQ	100
R. Excavating, Inc. (Council Bluffs)	AQ	1,000
Technical Asbestos Control, Inc. (Davenport)	AQ	500
Midwest Asbestos, Inc. (Cedar Falls/Tama)	AQ	500
Advanced Technologies Corp. (Cedar Falls)	AQ	1,000
Advanced Technologies Corp. (Cedar Falls)	AQ	500
Technical Asbestos Control, Inc. (Davenport)	AQ	200
Des Moines County Sanitary Landfill (Des Moines Co.)	SW	3,000
Graham Tire Co. of Spencer (Spencer)	UT	1,100
Mel-Ray Mobile Home Park (Ankeny)	WW	500
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	940
Orlo Stewart, et.al. (Webster Co.)	SW	1,000

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The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Gary Fuller (Hardin Co.)	WW	100
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	100
*Delano's Lounge (Washington)	WS	25
Foodliner, Inc. (Eddyville)	WW	1,000
Farmers Cooperative Elevator (Martelle)	HC	250
Mike's Prairie Home (Ollie)	WS	90
TOTAL		1,765

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS September 1, 1993

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Al's Corner Oil Co. Carroll (4)	Updated	Hazardous Condition	Remedial Action	Order	Referred Petition Filed Remediation Plan Rejected Trial Date	12/16/91 12/16/92 3/30/93 2/22/94
American Meat Protein Corp Lytton (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed Motion to Add City Granted Trial Date	10/21/91 4/30/92 12/16/92 1/25/94
Ames, William D. Woodbury County (3)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/93
Amoco Oil Company Des Moines (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred Suit Filed Trial Date	8/21/90 10/15/90 9/27/91 10/25/93
Anthon, City of (3)		Wastewater	Discharge Limits	Order	Referred Petition Filed	11/16/92 3/22/93
Behounek, Paul and Todd Tama (5)	Updated	Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed Trial Date	5/18/92 12/11/92 12/15/93
Birusingh, Kirshen A. Crescent (4)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/15/92 12/11/92
Boley, Fred d/b/a Boley Oil McCausland (6)		Hazardous Condition	Remedial Action	Order	Referred Site Investigation Plan Petition Filed Trial Date	2/17/92 9/03/92 12/14/92 8/26/93
Carney, Don and Gertrude Ft. Dodge (2)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	4/15/91 3/25/92
Chicago & Northwestern Transportation Co. Blue Chip Enterprises Hawkeye Land Company Iowa Falls (2)		Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Oral Arguments Order Affirmed Supreme Court Appeals Filed	8/19/91 8/14/91 9/16/91 11/21/91 3/10/93 4/23/93 5/23/93
Chicago & Northwestern Transportation Co. Stanwood (6)		Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed	5/07/92 4/08/93

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS September 1, 1993

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Cote Industries, Inc. Des Moines (5)		Hazardous Condition	Remedial Action	Order	Referred Petition for Judicial Review Order Granting Motion to Dismiss Notice of Appeal Affirmed by Supreme Court Petition Filed	4/15/91 4/18/91 7/23/91 8/13/91 10/21/92 4/16/93
Delenos Lounge Washington (6)	Updated	Drinking Water	MCL-Bacteria Ming/Rptg.- Nitrate	Order/Penalty	Referred Petition Filed Default Judgment (\$450/Admin)	1/19/93 4/02/93 8/13/93
Doud, Dennis D & D Tire Company Moravia (5)	Updated	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 7/30/93
Dutton, Lloyd Iowa County (6)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed Trial Date	12/16/91 8/26/92 12/20/93
Ecology Enterprises, Inc; Hollis D. DeVos; Michael Murray; Robert Rausch Chickasaw County (1)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/15/92 3/04/93
Ervin, Don Webster County (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct. of Appeals Order to Serve Sentence Application for Hearing C. for Denying Reconsideration of Sentence	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93
First Iowa State Bank Albia (2)	Updated	Solid Waste	Open Dumping	Order/Penalty	Petition for Judicial Review Ruling on Petition for Judicial Review Appeal to Ia. Supreme Court State Filed Brief Oral Arguments Oral Arguments Ruling Petition for Rehearing Order Denying Rehearing	4/12/91 3/02/92 3/31/92 8/01/92 5/11/93 6/16/93 6/30/93 7/30/93
Gavin, Bernard Gavin Veterinary Clinic Wellsburg (2)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 7/28/93
Giese Construction Co. Ft. Dodge (2)		Solid Waste Air Quality Burning	Illegal Dis- posal; Open	Referred to Attorney General	Referred Petition Filed	5/29/92 3/26/93
Giese Construction Co. Ft. Dodge (2)		Hazardous Cond. Wastewater	Site Contamination	Referred to Attorney General	Referred Petition Filed	1/19/93 3/26/93
Hoyt, Tony L. d/b/a Lake Wilderness Camp Lee County (6)		Solid Waste Air Quality	Illegal Disposal Open Burning	Order/Penalty	Referred Petition Filed	2/13/93 4/13/93

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DEPARTMENT OF NATURAL RESOURCES
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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
IBP, Inc. Columbus Junction (6)	Wastewater	DNR Defendant	Defense	Suit Filed Judgment for DNR Motion to Enlarge Order Denying Motion Notice of Appeal Appellant's Brief	3/17/92 10/28/92 11/06/92 12/16/92 1/11/93 6/25/93
International Hydroform Pella (5)	Underground Tank	Remedial Action	Order	Referred	5/17/93
Iowa City, City of (6)	Solid Waste	Cover Violations	Referred to Attorney General	Referred Petition Filed	4/20/92 1/28/93
Jack Link Truck Line, Inc. Dyersville (1)	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93
Landfill of Des Moines, Inc. Des Moines #4 (5)	Solid Waste	Compliance Schedule/Other	Order/Penalty	Referred Petition Filed Trial Date	12/10/91 9/01/92 1/26/94
Landfill of Des Moines, Inc. Des Moines #5 (5)	Solid Waste	Compliance Schedule/Other	Order/Penalty	Referred Petition Filed Trial Date	5/18/92 9/01/92 1/26/94
Lytton, City of (3)	Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed (Added to AMPC) Trial Date	5/18/92 12/28/92 1/25/94
Maasdam, Donald Rolf (3)	Solid Waste	Operation Without Permit	Order	Referred Petition Filed	1/21/92 3/26/92
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed	2/17/92 12/21/92
Bob McKiniss Excavating & Grading v. IDNR	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and P-formation	3/12/91 5/01/91 3/26/92
Midway Water & Lighting Marion (1)	Drinking Water	Mtrg/Rptg. MCL-Bacteria	Order/Penalty	Referred Petition Filed	12/21/92 4/21/93
Moore, Ron d/b/a 63-180 Cafe Malcom (5)	Drinking Water	Mtrg/Rptg. Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin.)	11/16/92 4/02/93
Pleadt, Robert B. Pleadt Brothers Trucking Kingsley (3)	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93
Pringle, Michael and Brenda d/b/a Follet's Tap Camanche (6)	Drinking Water	Mtrg/Rptg. Bacteria/Nitrate	Referred to Attorney General	Referred Petition Filed	6/15/92 3/05/93
Prins, John; Bradford Paving Bradford (2)	Underground Tank	Closure Investigation	Order	Referred Petition Filed	10/19/92 12/24/92

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS September 1, 1993

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Sadler, Bernard and Ger Mar Farms, Inc. Allamakee Co. (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	9/21/92 12/24/92
Schultz, Albert and Iowa Iron Works Ely (1)	Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed Trial Date	9/20/89 8/08/90 11/08/93
Sharp, Tim Gas-N-Go Newton (5)	Underground Tank	Site Check	Order/Penalty	Referred Petition Filed	5/17/93 7/27/93
Sheiley, Roberto and Sally Guthrie Center (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date Ruling (\$1,000/Admin.; Clean-up Ordered) Notice of Appeal Appellant's Brief State's Brief	4/15/91 7/18/91 5/19/92 8/25/92 9/17/92 11/09/92 1/11/93
Smith, Don Dallas Center (5)	Underground Tank	Closure Investigation/ Failure to Register	Order	Referred Petition Filed Trial Date	10/19/92 3/08/93 12/01/93
Soo Line Railroad Co. Mason City (2)	Updated Wastewater Hazz. Condition	Prohibited Discharge Remedial Action	Referred to Attorney General	Referred Petition Filed Consent Decree (\$12,000/Civil; Compliance Schedule)	7/15/91 12/17/92 8/16/93
Sterk, Marion Kellerton (4)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	10/19/92 4/16/93
Stirling, Vera Perry (5)	Solid Waste	Illegal Disposal	Order	Referred Petition Filed	11/16/92 4/14/93
Vonderhaar, Leonard Holy Cross (1)	Updated Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed Decree (Injunction)	8/17/92 3/24/93 8/01/93
Winterset, City of (5)	Updated Wastewater	Effluent Limits	Referred to Attorney General	Referred Petition Filed Trial Date	7/20/92 3/23/93 4/26/94
Wunschel, Vernon Ma Grove (3)	Underground Tank	Closure Investigation	Order/Penalty	Referred	2/17/92
Yentes, Clifford Council Bluffs (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/20/92 11/23/92
Young, David Serp Oil Company Cassy (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES September 9, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Gelwein Soil Service	Administrative Order	WJ	Lande	Hearing continued.
5-12-87	Iowa City Regency NHP	Administrative Order	WJ	Hansen	Facility requested DNR calculate MUA and permit limits for proposed upgrade.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	SCR submitted.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Surrey Refining and Marketing Co. Administrative Order	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued.
1-25-89	Amoco Oil Co. - Des Moines 7LT103	Administrative Order	UT	Wornson	Clean-up progressing. Review progress. Settle penalty - close.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Wornson	Compliance initiated. Review progress. Settle penalty - close.
6-06-89	Shaver Road Investments	Site Registry	HW	Lande	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Lande	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-12-89	Amana	Site Registry	HC	Lande	Negotiating before filing.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Appealed to Iowa Supreme Court.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Lande	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Lande	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
11-20-89	FFCA/IIP	Site Registry	HC	Murphy	Considering dismissal.
4-23-90	Sioux City, City of	Administrative Order	WJ	Hansen	Amended order to be issued.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	Lande	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Lande	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	Lande	Hearing continued. Settlement propo. 1.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WJ	Hansen	City response under review by EPD.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Lande	Hearing continued.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Lande	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)

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September 1993

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES September 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
8-31-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing set for 11/5/93.
9-10-90	ISP, Inc. Columbus Junction	Administrative Order WQDES Permit	WU	Hansen	Appealed to Polk Co. District Court. Judgment for DNR. Appealed to Supreme Court. Briefs submitted.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
9-20-90	Duane Schwaerting	Variance Denial	SU	Kennedy	Hearing continued.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Investigate alternatives-finalize inability, etc.
10-18-90	Narlan Pruess	Claim	HC	Murphy	Proposed decision - 2/18/93. Appealed to EPC. Affirmed/modified - 4/21/93. Appealed to Cedar County District Court.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clerk	Settlement close.
12-04-90	United States Gypsum Company	Administrative Order	SU	Kennedy	Negotiating before filing.
12-21-90	Des Moines, City of	Administrative Order	UT	Wornson	Settlement close.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SU	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SU	Kennedy	Hearing set for 10/12/93.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued to 8/09/93.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clerk	Negotiating before filing.
3-08-91	ADM - Cedar Rapids	Conditional Permit	AG	Preziosi	Settlement close.
3-22-91	Mitchell Bros. Boers and Glits	Administrative Order	WU	Murphy	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WU	Hansen	Letter sent 9/4/92 regarding resolution of appeal.
5-16-91	Oskaloosa, City of	Administrative Order	WU	Hansen	6/7/93 - Settlement offer to City. 6/29/93 - Offer accepted; additional extension requested.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Murphy	Firestone proceeding with site investigation.
7-22-91	Rupp Tire	Administrative Order	UT	Wornson	Settled.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SU	Kennedy	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Murphy	Hearing continued. Compliance hearing completion.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-07-92	Wlota, City of	Administrative Order	WS	Hansen	2/93 revised report reviewed by WS - new schedule proposed.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93.
1-21-92	Dell Oil, Ltd.	Administrative Order	HC	Wornson	Settlement draft proposed.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
2-28-92	William H. Viner	Administrative Order	UT	Wornson	Consent order drafted. Awaiting execution. Attorney contacted regarding response.
3-30-92	White Consolidated Industries	Administrative Order	WM	Hansen	Negotiating before filing.
4-07-92	Humboldt Co. Sanitary Landfill	Administrative Order	SU	Kennedy	Hearing continued until further order.
4-09-92	Wayne Transports, Inc.	Administrative Order	WM	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Negotiating before filing.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Requesting document.
4-30-92	Poweshiek Water Assoc.	Administrative Order	WS	Hansen	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WM	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
6-05-92	Wilson Foods	Permit Denial	AQ	Preziosi	Negotiating before filing.
6-10-92	Marjorie Jarvis	Administrative Order	UT	Wornson	Favorable ALJ decision. .
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SU	Kennedy	Negotiating before filing.
6-26-92 10-05-92 1-12-93	Waste Systems Corp. and Robert Roth d/b/a Winnebago Co. SLF	Administrative Order Denial of Comp. Plan Amended Order	SU	Kennedy	Settlement pending.
7-01-92	Richard A. Newman	Administrative Order	SU	Kennedy	Hearing held 8/23/93. Awaiting decision.
7-01-92	Des Moines Independent School District-North High	Administrative Order	WM	Murphy	Firestone proceeding with site investigation
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SU	Kennedy	Negotiating before filing.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
8-13-92	Ide County Sanitary Landfill	Administrative Order	SW	Kennedy	Negotiating before filing.
8-13-92	Iowa Conference of the United Church of Christ	Administrative Order	FP	Clark	Negotiating before filing.
8-24-92	Dean Moeness d/b/a Moeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
8-27-92	Decatur City, City of	Administrative Order	UT	Wornson	Settled.
8-31-92	Cedar Valley Corp.	Administrative Order	AQ	Preziosi	Settlement close.
9-03-92	Case Power and Equipment	Administrative Order	WS	Hansen	Case proposal to resolve appeal to Dept.
9-21-92	Buffalo Bill Estates, Inc.	Administrative Order	WS	Clark	Negotiating before filing.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	Negotiating before filing.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Negotiating before filing.
10-07-92	E. Kent and Joan Cooper	Administrative Order	UT	Wornson	Settlement drafted.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Settlement close.
10-16-92	Ron Jungling d/b/a Jungling Service	Administrative Order	UT	Wornson	Compliance except for penalty. Making demand for penalty.
10-16-92	Ames, City of; Cy-Ride	Permit Denial	AQ	Preziosi	Settled.
10-28-92	Albert Rohwer, Jr.	Administrative Order	SW	Kennedy	Negotiating before filing.
11-13-92	Tracy Below	Administrative Order	WW	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WW	Hansen	4/28/93 Dept. letter to facility rejecting revised assessment plan.
11-16-92	Frank Mulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
11-23-92	Cargill, Inc.	Administrative Order	SW/WW	Kennedy	Informal meeting 12/4/92.
12-04-92	Fausser Oil Co., Inc.	Administrative Order	UT	Wornson	Second demand letter sent.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data.
12-14-92	Gary Lalor	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
12-15-92	IBP, Inc. Geneseo, IL	SMA Denial	SW	Kennedy	Negotiating before filing.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-12-93	Chicago & North Western Transportation Co.	Administrative Order	NC	Wornson	Negotiating before filing.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
1-28-93	Midway Oil Company (Indiana)	Administrative Order	UT	Wornson	Negotiating penalty.
1-28-93	Raven Corp.; Midway Oil Co. (Toledo)	Administrative Order	UT	Wornson	Negotiating penalty.
1-29-93	Case Corporation	Permit Conditions	VS	Hansen	3/1/93 Case proposal to DNR to resolve appeal.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Hearing held for 7/06/93. Awaiting decision.
2-24-93	Salem Lutheran Church	WS Classification	VS	Clark	Settlement close.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	Compliance delayed due to water problems.
3/15/93	Pat Benjamin	Administrative Order	UT	Wornson	Analyzing financial inability.
3/19/93	Kolman Inc.	Administrative Order	AG	Preziosi	Negotiating before filing.
3/29/93	Henning Wood, Inc.	Administrative Order	SW	Kennedy	Settlement meeting set for 9/3/93.
4/02/93	Newton, City of	Administrative Order	SW	Kennedy	Negotiating before filing.
4/05/93	Cyclone Steeple Jacks, Inc.	Administrative Order	AG	Preziosi	Negotiating before filing.
4/05/93	Mapleton, City of	WV Operator Certification	WV	Hansen	Under review by EPD - letter drafted.
4/09/93	Economy Solar Corp.	Administrative Order	AG	Preziosi	Hearing set for 9/14/93.
4/09/93	Fine Oil Co., Inc.	Administrative Order	AG/NC WV	Preziosi	Negotiating before filing.
4/09/93	Wells Dairy, Inc.	Administrative Order	WV	Hansen	Plan of action submitted. Under review by EPD.
4/12/93	LeMars, City of	Administrative Order	WV	Hansen	Plan of action submitted. Under review by EPD.
4/16/93	Phil McKains	Administrative Order	SW	Kennedy	Negotiating before filing.
4/19/93	Council Bluffs, City of	Permit Conditions	WV	Hansen	Under review by EPD.
4/19/93	Enviro Safe Air	Administrative Order	AG	Preziosi	Settlement meeting scheduled for 9/8/93.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES September 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Carlys General Store	Administrative Order	AQ	Preziosi	Negotiating before filing.
4/26/93	Iowa-Illinois Termal Insulation, Inc.	Administrative Order	AQ	Preziosi	Settlement meeting set for 9/8/93.
4/29/93	Technical Asbestos Control	Administrative Order	AQ	Preziosi	Settlement meeting set for 9/8/93.
4/30/93	R. Excavating, Inc.	Administrative Order	AQ	Preziosi	Settlement close.
5/07/93	Midwest Asbestos, Inc.	Administrative Order	AQ	Preziosi	Settlement close.
5/10/93	Advanced Technologies	Administrative Order	AQ	Preziosi	Settlement meeting set for 9/16/93.
5/10/93	Advanced Technologies	Administrative Order	AQ	Preziosi	Settlement meeting set for 9/16/93.
5/21/93	Technical Asbestos Control	Administrative Order	AQ	Preziosi	Settlement meeting set for 9/8/93.
5/23/93	Fellmer Motors	Administrative Order	FP	Clark	Negotiating before filing.
6/01/93	Graham Tire Co. of Spencer	Administrative Order	UT	Wornson	Compliance initiated.
6/17/93	Lawrence Schmitz, Gerald Schmitz, Duane Schmitz, Vernon Schmitz, and Ruth Ann Frieders	Permit Issuance	FP	Clark	Sent to DIA.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing..
6/13/93	Leo Schachtner	Permit issuance.	FP	Clark	Sent to DIA.
6/29/93	Mel-Rey MHP and Sales	Administrative Order	WM	Clark	Negotiating before filing..
7/02/93	Merlyn Stanbrough; Donna Stanbrough	Administrative Order	SW	Kennedy	Negotiating before filing.
7/06/93	Dennis E. Good	Administrative Order	UT	Wornson	Negotiating before filing.
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93.
7/12/93	Thomas L. Burt, et.al.	Administrative Order	SW	Kennedy	Negotiating before filing.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Wierp; and Robert Radford	Administrative Order	UT	Wornson	Negotiating before filing.
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	UT	Wornson	Negotiating before filing.
7/26/93	Dekalb	Permit Denial	AQ	Preziosi	New case.
7/27/93	Trust Trucking Co.	Administrative Order	UT	Wornson	New case.
7/28/93	Berniece K. Wesse	Administrative Order	UT	Wornson	New case.
8/03/93	Grain Processing Corp.	Administrative Order	AQ	Preziosi	New case.
8/06/93	Muscotine Power & Water	Administrative Order	AQ	Preziosi	New case.
8/06/93	Monanto	Administrative Order	AQ	Preziosi	New case.

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Mr. McAllister reported that the DNR and DALs have the responsibility to implement a program to assure that agricultural drainage wells are not contaminated by chemical contamination. DALs has been working in north central Iowa in identifying pilot projects that would reduce or eliminate the amount of contamination going down the agricultural drainage wells. DALs has recommended some alternative management practices that could be put in place to do this. Staff from both departments think one way to assure a continued operation of the wells as well as eliminate the amount of contamination to the groundwater is to implement a permit program in that area. Rules will need to be implemented to put a permit program in place and will be brought to the Commission as a Notice of Intended Action next month. Mr. McAllister pointed out that there are some deadlines set in the Groundwater Protection Act that come in to place by January 1, 1995, and it is important to develop rules so that DALs can begin working with the well owners and landowners to plan their management practices, apply for the permit, and get the necessary technical assistance.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTER 131, NOTIFICATION OF HAZARDOUS CONDITIONS

Darrell McAllister, Bureau Chief, Water Quality Bureau, presented the following item.

The Commission will be asked to approve a Notice of Intended Action to receive public comment on the attached rule change to Chapter 131, Notification of Hazardous Conditions. The changes merely update the rules to incorporate changes in the Iowa Code in recent years.

ENVIRONMENTAL PROTECTION COMMISSION [567] NOTICE OF INTENDED ACTION

Pursuant to the authority of Iowa Code sections 455A.6 and 455B.383(1), the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 131, "Notification of Hazardous Conditions." Iowa Administrative Code.

The proposed amendment makes several general housekeeping changes which will make this chapter consistent with the Code of Iowa.

Any interested person may make written suggestions or comments on the amendments to the rule proposed in this Notice of Intended Action prior to _____. Such written comments should be directed to Ron Kozel, Environmental Protection Division, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; FAX (515) 281-8895. Persons who have questions should contact Mr. Kozel, at telephone (515) 281-5859 or at the offices on the fifth floor of the Wallace State Office Building, Des Moines, Iowa.

Persons are also invited to present oral or written comments at a public hearing which will be held _____, at _____ in the _____ of the Wallace State Office

Building, East 9th and Grand Avenues, Des Moines, Iowa. At the hearing persons will be asked to give their names and addresses for the record, and to confine their remarks to the subject of the rule.

This amendment is intended to implement Iowa Code sections 455B.381 and 455B.386.
The following amendments are proposed.

ITEM 1. Amend rule 567--131.1(455B), definition of "hazardous condition," as follows:

"Hazardous condition" means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate or potential danger to the public health or safety or to the environment. ~~Hazardous condition includes any accident involving hazardous materials required to be reported under Iowa Code section 321.266(4).~~

ITEM 2. Amend rule 567--131.2(455B), introductory paragraph, as follows:

567--131.2(455B) Report of hazardous conditions. Any person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the department (at 515/281-8694), ~~the disaster services division, department of public defense (at 515/281-3231),~~ and the local police department or the office of the sheriff of the affected county of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. A sheriff or police chief ~~or peace officer or the director of the disaster services division, department of public defense~~ who has been notified of a hazardous condition shall immediately notify the department. ~~Notification by a sheriff or police chief or peace officer or the disaster services division, department of public defense shall be considered to be notification of the department for purposes of this rule.~~ Reports made pursuant to this rule ~~should~~ shall be confirmed in writing as provided in 131.2(2).

~~A carrier transporting hazardous materials by rail, air, water or upon a public highway gives the notice required by Iowa Code section 321.266(4) by notifying the disaster services division, department of public defense shall be deemed to have complied with this rule.~~

ITEM 3. Amend subrule 131.2(2), introductory paragraph, as follows:

131.2(2) Written report. The written report of such a hazardous condition ~~should~~ shall be submitted to the department within thirty (30) days and contain the following information:

Date

Larry J. Wilson, Director

Mr. McAllister briefly explained the rules.

Motion was made by William Ehm to approve Notice of Intended Action--Chapter 131 Notification of Hazardous Conditions. Seconded by Nancylee Siebenmann. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 22, AIR EMISSION SOURCE OPERATING PERMITS

Darrell McAllister, Bureau Chief, Water Quality Bureau, presented the following item.

The Commission will be asked to approve the attached Notice Of Intended Action which proposes to add rules requiring sources to obtain Title V operating permits and addresses the federal acid rain program. These rules were distributed to the Commission for information at their August meeting. The attached rules have been modified to respond to USEPA comments received as a result of a preliminary review of the original draft. These modifications are considered minor in nature and do not make substantive changes to the rules as originally proposed. Upon Commission approval the department will conduct a public hearing to receive citizen comment on these rules.

These rules will be an integral part of the Department's application for the federal Title V operating permit program. The deadline for states to apply for the program is November 15, 1993.

(A copy of the Notice of Intended Action is on file in the department's Records Center)

Mr. Mcallister reviewed the rules and noted that the permit fee shown in the rule as \$28.30 should be corrected to \$28.39. He added that the rules contain provisions that there will be public participation on the operation permits and they will go out on 30 day notice for people to comment on them. EPA will have the authority to review, comment or reject the operation permits issued by the department.

Rozanne King asked if the rules would have to go back out to public hearing if any of the recommendations by Jack Soener were incorporated into the rules.

Mr. McAllister replied that it would be necessary to take the rules back to public comment if the fees are changed to cover 4,000 tons per facility, per year rather than 4,000 tons, per pollutant, per facility, per year. He noted that type of change probably would not receive EPA approval as that requirement is in the federal rules. Mr. Soener's recommendation that the department put together a demonstration to lower the \$28.39 per ton would delay the rules and delegation of the program. He added that if that move would require a rule change it could be done at a later date.

Discussion followed regarding domestic exemption provisions; permit turn around time; appointment of a task force for construction permits and the air quality program; how diesel powered vehicle emissions would be enforced; and whether agricultural vehicles are exempt from the rules.

Motion was made by Nancylee Siebenmann to approve Notice of Intended Action--Chapter 22, Air Emission Source Operating Permits with the recommendation that a joint task force be developed to look at the air source construction permits. Seconded by Charlotte Mohr.

Discussion followed as to whether there should be separate action taken since the two programs are not related.

Director Wilson commented that the Commission could take independent action on these rules adding that staff know what the Commission would like in regard to a task force and a motion is not needed to do that.

Commissioner Siebenmann amended her motion to approve the rules as presented. Charlotte Mohr concurred with the amendment.

Chairperson Hartsuck asked Mr. Soener to explain his third recommendation.

Mr. Soener responded that it was to look at reducing the \$28.39 fee per ton. He expanded on this issue.

Chairperson Hartsuck noted that Director Wilson agreed to review this recommendation.

Discussion followed regarding the concept of using Title V fees for the construction permit program; development of a budget for the operating permits program; and the emissions inventory.

Vote on Commissioner Siebenmann's motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTERS 100 AND 102, SPECIAL WASTE AUTHORIZATIONS

Darrell McAllister, Bureau Chief, Water Quality Bureau, presented the following item.

The Commission is requested to make a decision relative to the rule making on the Special Waste Authorization program.

In February of 1992 a Notice of Intended Action was published which would have amended the rules to update the Special Waste Authorization Program. Before the Commission had an

opportunity to adopt those rules, it became evident that the Department had a shortage of funds in the Solid Waste Program. A decision was made to propose rules that would place the responsibility of issuing the SWAs on the Sanitary Landfill Operator instead of the Department.

A Notice of Intended Action to that affect was published in April of 1993. Much opposition to that proposal was received from landfill officials during the public comment period. Public comment also suggested that if the Department was not going to administer the SWA program, the Department should not dictate how the landfills should administer the program but allow the landfills to establish their own program.

At the July meeting the Commission discussed the alternative of dropping the SWA rules and letting the landfills establish their own program, or the alternative of a type of self-policing program. Staff was directed to develop alternatives accordingly.

The following options are discussed below with the associated rule revisions for each option attached:

Option 1. Adopt Proposed Rule - Adopt final the rule as revised following the comments received during the comment period. In this option the landfill permit holder would be responsible for administering the SWA program.

Option 1-a. Adopt Infectious Waste Portion of Proposed Rule - Adopt final only the infectious waste definitions and the exemption of the office generated infectious waste section of the rule proposed previously. Office generated infectious waste could be placed with general solid waste if it is treated and the generator certifies that it is treated in accordance with the rule. With this option additional rule making, option 3, would be required to deal with special waste.

Option 2. Delete SWA Requirements from Rules - Propose amendments to the rules that would delete the SWA program but would prohibit the disposal of toxic and hazardous waste in sanitary landfills. With this option the landfills would be free to develop their own program to handle special waste and to assure that hazardous waste is not disposed of in the landfill. Additional rule making would be required including a Notice of Intended Action to set up another hearing.

Option 3. Special Waste Certification (self-policing) Rules - Propose rules that would require the generators of special waste to certify to the landfill that the waste delivered to the landfill meets the requirements of the rules. This would be a type of self-policing program. It would also require additional rule making and another Notice of Intended Action to hold another hearing.

Option 1 - Adopt Proposed Rule 9/2

ENVIRONMENTAL PROTECTION COMMISSION (567) Final Rule Adoption

Pursuant to the authority of Iowa Code section 455B.304, the Environmental Protection Commission hereby adopts amendments to Chapter 100, "Scope of Title -Definitions - Forms - Rules of Practice," and Chapter 102, "Permits," Iowa Administrative Code.

Following is a summary of the revisions to the rules resulting from the public comment period:

102.15(2)f(10) was amended to include a specific concentration above which PCB contaminated material may not be disposed in a landfill.

102.15(2) is amended to add the provision of allowing treated infectious waste from offices to be placed with regular municipal solid waste.

100.2 was amended to delete the definition of "Other medical waste", the definition of "Cultures and stocks of infectious agents" was amended to delete the term "intravenous tubing".

102.15(2)f(6) was amended to allow sharps that are handled under a SWA to be mechanically destroyed prior to disposal.

Appropriate sections of 103.2 and 102.15(2) were amended to place the responsibility of issuing SWAs on the landfill permit holder instead of the landfill operator.

102.15(2)f(12) was amended to clarify the 10 ppm limit for pesticides is to be on an extract in accordance with the TCLP.

100.2 "Toxic and hazardous waste" was amended to clarify that waste which are specifically excluded from the RCRA regulation are not covered.

102.15(2)e(2) was amended to delete TCLP testing on paint waste for compounds that do not have TCLP limits in RCRA.

102.15(2)f(13) was amended to correct an error and to delete two compounds that were placed in the wrong category.

These amendments are intended to implement Iowa Code sections 455B.304.

These amendments may impact small businesses.

The following amendments are adopted :

ITEM,1. Amend rule 567-100.2(455B, 455D), definition of "Toxic and hazardous wastes," as follows:

"Toxic and hazardous wastes" means waste materials, including but not limited to poisons, pesticides, herbicides, fungicides, insecticides, acids, caustics, pathological wastes, flammable or explosive materials and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety because of their physical, toxicological, or chemical properties, are a waste which may not be disposed of in a sanitary landfill. All wastes which are subject to regulation as "hazardous wastes" under the federal Resource Conservation and Recovery Act are "toxic and hazardous wastes", except wastes which are specifically excluded in 40 Code of Federal Regulations 261.4.

Further amend rule 567-100.2(455B, 455D) by adding the following new definitions in alphabetical order:

"Contaminated animal carcasses" means waste including carcasses, body parts and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals.

"Contaminated sharps" means all discarded sharp items derived from patient care in medical, research, or industrial facilities including glass vials containing materials defined as infectious, suture needles, hypodermic needles, scalpel blades, and Pasteur pipettes.

"Cultures and stocks of infectious agents" means specimen cultures collected from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate or mix cultures.

"Human blood and blood products" means human serum, plasma, other blood components, bulk blood, or containerized blood in quantities greater than 20 milliliters.

"Industrial process waste" means waste that is generated as the direct result of producing goods and commodities. It does not include office waste, cafeteria waste, or other types of waste that are not the direct result of production processes.

"Infectious" means containing pathogens with sufficient virulence and quantity so that exposure to an infectious agent by a susceptible host could result in an infectious disease when the infectious agent is improperly treated, stored, transplanted, or disposed of.

"Infectious waste" means waste which is infectious, including but not limited to contaminated sharps, cultures and stocks of infectious agents, blood and blood products, pathological waste, and contaminated animal carcasses from hospitals or research laboratories.

"Pathological waste" means human tissues and body parts that are removed during surgery or autopsy.

"Special waste" means waste materials, including but not limited to nonhazardous industrial process wastes, infectious wastes, and similar potentially harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety and may be disposed of in a sanitary landfill in Iowa if authorized by subrule 102.15(2) and the sanitary landfill operator.

ITEM 2. Amend subrule 100.3(2) as follows:

100.3(2) ~~Industrial sludge and toxic and hazardous waste disposal instructions~~ Special waste disposal instructions. Requests for special waste authorizations instructions for the disposal of ~~hazardous or toxic waste~~ special waste, as required by ~~102.14(2) 567--subrule 102.15(2)~~ shall be submitted to the sanitary landfill permit holder by the generator of the waste.

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Further amend subrule 100.3(2) by amending paragraph "a" as follows:

a. Requests shall be made by submitting information substantially complying with Form 46 (542-3216), "Request for Special Waste Authorization," accompanied by supporting data as deemed necessary by the department sanitary landfill permit holder. In case of emergency,

instructions may be obtained by telephone by calling 515/281-8692 the sanitary landfill permit holder.

ITEM 3. Amend rule 567-102.15(455B) as follows:

567--102.15(455B) Disposal of special wastes. The goal of the special waste authorization program is to ensure that all wastes are properly disposed of. Toxic and hazardous wastes, as defined in rule 567-100.2(455B, 455D), shall not be disposed of in a sanitary landfill in Iowa.

Amend subrule 102.15(2) as follows:

102.15(2) ~~Industrial sludge and toxic and hazardous waste.~~ Special waste. No ~~industrial special sludge or toxic and hazardous waste~~ shall be delivered to nor disposed of by a ~~sanitary disposal project landfill~~ unless explicit instructions are first obtained from the ~~department~~ sanitary landfill permit holder by the generator of the special waste, except that infectious waste which is generated and treated at a medical clinic, doctor's office, nursing care facility, health care facility, dentist's office or other similar facility may be placed with regular municipal solid waste and not handled in a special way if it is rendered nonpathological, does not contain free liquids, and sharps are contained in a rigid container or are shredded or blunted, granulated, incinerated, or mechanically destroyed. The generator of infectious waste that is not handled under a special waste authorization must notify the waste hauler and the sanitary landfill that infectious waste is being placed with regular municipal solid waste.

a. For procedure see ~~rule 100.3(2)~~ 567-subrule 100.3(2).

b. Prior to the issuance of any such instructions, the ~~department~~ sanitary landfill permit holder may require that ~~a proposal for disposal of such waste in conformance with these rules, with supporting data as may be deemed necessary, be submitted by the originator of such waste for evaluation by the department. The prohibition of such waste shall continue in effect until an acceptable procedure for processing or disposal has been developed and approved~~ analytical testing supporting the characterization of the waste as nonhazardous. Analytical testing requirements include (1) characteristic of ignitability, (2) characteristic of corrosivity, (3) characteristic of reactivity, (4) Toxicity Characteristic Leaching Procedure (TCLP) for all Toxicity Characteristic (TC) analities, and (5) Paint Filter Liquids Test. Methods to be used for determining these characteristics are Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, November, 1986, Third Edition, U.S. EPA, SW-846, and additions thereto. The analytical results must be submitted along with the "Request for Special Waste Authorization," Form 46 (542-3216). The TC testing requirements may be altered if the sanitary landfill operator believes there is sufficient evidence supporting the absence of a constituent or constituents usually required by the TCLP. Material Safety Data Sheets may be used as supporting evidence if the waste constituents are clearly listed. The sanitary landfill operator may refuse any Material Safety Data Sheet which is not properly and sufficiently prepared.

c. ~~All toxic or hazardous waste or industrial sludge~~ special waste for which instructions have been received shall be disposed of according to those instructions.

ITEM 4. Further amend 102.15(2) as follows:

d. The sanitary landfill permit holder shall maintain any analytical test data submitted from a waste generator, completed Request for Special Waste Authorization forms, and original issued special waste authorizations including any special handling instructions. These records shall be

maintained on file at the landfill office. The the landfill permit holder shall also maintain on file at the landfill office starting within seven months from the effective date of these rules, and semiannually thereafter, a report summarizing identification of the wastes and volumes authorized, the waste generator, the period of disposal, copies of disposal records, the date of disposal, petroleum-contaminated soil quarterly testing results, and if an authorized waste is not received.

e. Wastes may be disposed of under a special waste authorization if the waste is nonhazardous as determined by the following criteria:

(1) No TC analities as determined using the TCLP over the following federally regulated levels:

<u>Arsenic</u>	<u>5.0 mg/l</u>
<u>Barium</u>	<u>100.0 mg/l</u>
<u>Benzene</u>	<u>0.5 mg/l</u>
<u>Cadmium</u>	<u>1.0 mg/l</u>
<u>Carbon tetrachloride</u>	<u>0.5 mg/l</u>
<u>Chlordane</u>	<u>0.03 mg/l</u>
<u>Chlorobenzene</u>	<u>100.0 mg/l</u>
<u>Chloroform</u>	<u>6.0 mg/l</u>
<u>Chromium</u>	<u>5.0 mg/l</u>
<u>o-Cresol</u>	<u>200.0 mg/l</u>
<u>m-Cresol</u>	<u>200.0 mg/l</u>
<u>p-Cresol</u>	<u>200.0 mg/l</u>
<u>Cresol</u>	<u>200.0 mg/l</u>
<u>2,4-D</u>	<u>10.0 mg/l</u>
<u>1,4 Dichlorobenzene</u>	<u>7.5 mg/l</u>
<u>1,2 Dichloroethane</u>	<u>0.5 mg/l</u>
<u>1,1 Dichloroethylene</u>	<u>0.7 mg/l</u>
<u>2,4 Dinitrotoluene</u>	<u>0.13 mg/l</u>
<u>Endrin</u>	<u>0.02 mg/l</u>
<u>Heptachlor (and its hydroxide)</u>	<u>0.008 mg/l</u>
<u>Hexachlorobenzene</u>	<u>0.13 mg/l</u>
<u>Hexachloro-1,3-butadiene</u>	<u>0.5 mg/l</u>
<u>Hexachloroethane</u>	<u>3.0 mg/l</u>
<u>Lead</u>	<u>5.0 mg/l</u>
<u>Lindane</u>	<u>0.4 mg/l</u>
<u>Mercury</u>	<u>0.2 mg/l</u>
<u>Methoxychlor</u>	<u>10.0 mg/l</u>
<u>Methyl ethyl ketone</u>	<u>200.0 mg/l</u>
<u>Nitrobenzene</u>	<u>2.0 mg/l</u>
<u>Pentachlorophenol</u>	<u>100.0 mg/l</u>
<u>Pyridine</u>	<u>5.0 mg/l</u>
<u>Selenium</u>	<u>1.0 mg/l</u>
<u>Silver</u>	<u>5.0 mg/l</u>
<u>Tetrachloroethylene</u>	<u>0.7 mg/l</u>
<u>Toxaphene</u>	<u>0.5 mg/l</u>

<u>Trichloroethylene</u>	<u>0.5 mg/l</u>
<u>2,4,5-Trichlorophenol</u>	<u>400.0 mg/l</u>
<u>2,4,6-Trichlorophenol</u>	<u>2.0 mg/l</u>
<u>2,4,5-TP (Silvex)</u>	<u>1.0 mg/l</u>
<u>Vinyl chloride</u>	<u>0.2 mg/l</u>

- (2) Paint-related wastes require TCLP testing.
- (3) No free liquids as determined by the Paint Filter Liquids Test.
- (4) pH of solid in 10% solution not less than or equal to 2 or greater than 12.5.
- (5) Does not meet any of the federal Resource Conservation and Recovery Act criteria for listed or characteristic hazardous wastes.

f. Specific types of wastes requiring a Special Waste Authorization for disposal in a sanitary landfill.

(1) Industrial sludges. Analytical testing requirements include the Characteristic of Toxicity for all TC analities, the Paint Filter Liquids Test, and pH. If solvents are used in the process which generates the sludge, the additional TC organics are required.

(2) Paint, stain, and varnish wastes (filters, overspray, sludges). Analytical testing requirements include the Paint Filter Liquids Test, TCLP, and pH.

(3) Incinerator ash, fly ash, baghouse dust. Analytical testing requirements include the TCLP.

(4) Sandblast waste. Analytical testing requirements include TCLP and pH.

(5) Filtering media. Analytical testing requirements include TCLP and pH.

(6) Sharps. Must be sterilized and disposed of in a rigid container, or incinerated, mechanically destroyed, granulated, shredded, or otherwise treated to sufficiently render the sharps as non-useable and to eliminate the hazard of cuts or punctures. No analytical testing required.

(7) Other infectious wastes (except contaminated sharps). If sterilized by autoclaving (steam sterilization), must be sterilized in a bag manufactured for stability during sterilization. The bag must have a special tape in the upper one-third portion that will have black or dark brown lines running through it showing that sterilization took place after the tape was applied to the bag. If incinerated, must be rendered nonrecognizable. Other methods of rendering infectious waste nonpathogenic will be considered on a case-by-case basis. Testing requirements for methods other than sterilization (autoclaving) and incineration would be the characteristics of toxicity and corrosivity. In addition to the submission of analytical data, the generator of the infectious waste would be required to submit data to the sanitary landfill operator to show that the infectious waste is no longer pathogenic.

(8) Pharmaceuticals and biological products. Labels listing chemical composition must accompany Form 46.

(9) Industrial process waste. Analytical testing requirements include TCLP, pH, and Paint Filter Liquids Test.

(10) PCB-contaminated wastes. Analytical testing requirements include PCB content. Wastes having PCBs at concentrations of 50 ppm or greater shall not be authorized for disposal.

(11) Captan-treated seed bags. There are no analytical testing requirements but special handling is required at the sanitary landfill. Captan-treated seed should be recycled through an ethanol plant.

(12) Pesticide-contaminated wastes containing less than 10 ppm total pesticides as determined on an extract of the waste prepared in accordance with the TCLP.

(13) Polynuclear Aromatic Hydrocarbon (PAH)-contaminated soil may be disposed of if the Total PAH level is below 500 ppm for compounds: Acenaphthene, Acenaphthylene, Anthracene, Benzo(a)Anthracene, Benzo(a)Pyrene, Benzo(b)Fluoranthene, Benzo(g,h,i)Perylene, Benzo(k)Fluoranthene, Chrysene, Dibenzo(a,h)Anthracene, Fluoranthene, Fluorene, Indeno(1,2,3-cd)Pyrene, Naphthalene, Phenanthrene, and Pyrene and the Total Carcinogenic PAH level is below 100 ppm for compounds: Benzo(a)Anthracene, Benzo(a)Pyrene, Benzo(b)Fluoranthene, Benzo(k)Fluoranthene, Chrysene, Dibenzo(a,h)Anthracene, Indeno(1,2,3-cd)Pyrene. Methods to be used for determining these compounds are Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, November 1986, Third Edition, U.S. EPA, SW-846, and additions thereto.

(14) Aflatoxin-contaminated wastes may be disposed of at levels of 500 ppb or lower.

Date

Larry J. Wilson, Director

Option 1-a - Final Rule, Infectious Waste Only 9/1

ENVIRONMENTAL PROTECTION COMMISSION (567)

Final Rule Approval

Pursuant to the authority of Iowa Code section 455B.304, the Environmental Protection Commission hereby proposes to approve amendments to Chapter 100, "Scope of Title - Definitions - Forms - Rules of Practice," and Chapter 102, "Permits," Iowa Administrative Code.

A Notice of Intended Action involving this subject was published in the Iowa Administrative Bulletin on April 14, 1993, as ARC 3909A.

Following the public comment period and the commission is proposing to adopt the proposed definitions in Chapter 100 relating to infectious waste and drop, for the time being, the amendment to the definition of "Toxic and hazardous waste", the definition of "Industrial process waste" and "Special waste".

The commission also amends subrule 102.15(2) by adding paragraph "d" relating to the allowance of office treated infectious waste to be placed with regular municipal solid waste and not handled in a special way by the hauler or by the landfill operator.

The balance of the proposed rule relating to industrial process waste would not be adopted at this time but will be dealt with separately through an amended notice of intended action.

These amendments are intended to implement Iowa Code section 455B.304.

The following amendments are adopted.

ITEM 1. Amend rule 567-100.2(455B, 455D) by adding the following new definitions in alphabetical order:

"Contaminated animal carcasses" means waste including carcasses, body parts and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals.

"Contaminated sharps" means all discarded sharp items derived from patient care in medical, research, or industrial facilities including glass vials containing materials defined as infectious, suture needles, hypodermic needles, scalpel blades, and Pasteur pipettes.

"Cultures and stocks of infectious agents" means specimen cultures collected from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate or mix cultures.

"Human blood and blood products" means human serum, plasma, other blood components, bulk blood, or containerized blood in quantities greater than 20 milliliters.

"Infectious" means containing pathogens with sufficient virulence and quantity so that exposure to an infectious agent by a susceptible host could result in an infectious disease when the infectious agent is improperly treated, stored, transplanted, or disposed of.

"Infectious waste" means waste which is infectious, including but not limited to contaminated sharps, cultures and stocks of infectious agents, blood and blood products, pathological waste, and contaminated animal carcasses from hospitals or research laboratories.

"Pathological waste" means human tissues and body parts that are removed during surgery or autopsy.

ITEM 2. Amend subrule 102.15(2) as follows:

102.3(2)d. Infectious waste which is generated and treated at a medical clinic, doctor's office, nursing care facility, health care facility, dentist's office or other similar facility may be placed with regular municipal solid waste and not handled in a special way if it is rendered nonpathological, does not contain free liquids, and sharps are shredded, blunted, granulated, incinerated or mechanically destroyed. The generator of the infectious waste must notify the waste hauler and the sanitary landfill that infectious waste is being placed with regular municipal solid waste and, with the notice, certify that the infectious waste is properly treated in accordance with the requirements of this subrule.

Option 2 - Delete SWA program 8/30

ENVIRONMENTAL PROTECTION COMMISSION (567)

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.304, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 100, "Scope of Title - Definitions - Forms - Rules of Practice," and Chapter 102, "Permits," Iowa Administrative Code.

Rule 100.2(455B, 455D) amends the definition of "Toxic and hazardous waste". Subrule 100.3(2) is to be deleted in its entirety, the title of 102.15 is to be amended, and subrule 102.15(2)

amended to delete the provision pertaining to special waste authorizations (SWA) and to prohibit the disposal of toxic and hazardous waste at a sanitary disposal project under any conditions.

The department has determined that subrule 102.15(2) appears to allow hazardous waste to be disposed of in sanitary landfills which is contrary to Iowa law. Also, this would delete any special waste authorization provision that was previously proposed in the Notice of Intended Action published in the Iowa Administrative Bulletin on February 19, 1992 and April 14, 1993. The Sanitary Landfill Permit Holders would be able to develop their own program relating to the disposal of industrial solid waste in landfills rather than the state dictate to the landfill permit holder how the program should be managed.

These amendments may impact small businesses.

The following comments are proposed:

ITEM 1. Amend rule 567-100.2(455B, 455D), definition of "Toxic and hazardous waste," as follows:

"Toxic and hazardous wastes" means waste materials, including but not limited to poisons, pesticides, herbicides, fungicides, insecticides, acids, caustics, pathological wastes, flammable or explosive materials and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety, because of their physical, toxicological, or chemical properties, are a waste which may not be disposed of in a sanitary landfill. All wastes which are subject to regulation as "hazardous wastes" under the federal Resource Conservation and Recovery Act are "toxic and hazardous wastes", except wastes which are specifically excluded in 40 Code of Federal Regulations 261.4.

ITEM 2. Further amend rule 567-100.3(455B, 455D) by deleting subrule 100.3(2) in its entirety:

ITEM 3. Amend 567-102.15(455B) as follows:

Amend the title as follows:

567-102.15(455B) Prohibited waste disposal of special wastes.

Amend 102.15(2) as follows:

102.15(2) Toxic and hazardous waste. No hazardous waste shall be delivered to nor disposed by a sanitary disposal project. ~~unless explicit instructions are first obtained from the department.~~

~~a. For procedures see rule 100.3(2).~~

~~b. Prior to the issuance of any such instructions, the department may require that a proposal for disposal of such waste in conformance with these rules, with supporting data as may be deemed necessary, be submitted by the originator of such waste for evaluation by the department. The prohibition of such waste shall continue in effect until an acceptable procedure for processing of disposal has been developed and approved.~~

~~c. All toxic or hazardous waste or industrial sludge for which instructions have been received shall be disposed according to those instructions.~~

Option 3 - Special Waste Certification Proposed Rules 9/1

ENVIRONMENTAL PROTECTION COMMISSION (567)

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.304, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 100, "Scope of Title - Definitions - Forms - Rules of Practice," and Chapter 102, "Permits," Iowa Administrative Code.

Rule 100.2(455B, 455D) amends the definition of "Toxic and hazardous waste" and adds a definition of "Industrial process waste". It also clarifies the definition of "Special waste".

Subrules 100.3(2) and 102.15(2) specifically state that the generator of the waste must submit a Special Waste Certification. Paragraph 102.15(2)b clarifies the testing requirements necessary for showing that the waste is nonhazardous.

Subparagraphs 102.15(2)f(1) and (2), clarify the correct terms to be used in determining if waste is hazardous.

Subparagraph 102.15(2)"f"(7) clarifies the department's requirements for incineration, autoclaving, and add language to allow other methods to render infectious waste nonpathogenic on a case-by-case basis.

Subparagraph 102.15(2)"f"(13) adds a list of Total PAHs and Total Carcinogenic PAHs.

The department has determined that due to limited staff resources, the department will no longer issue special waste authorizations but will require the generator of the special waste to certify compliance with the special waste certification rules 102.15(2). The operators will be required to maintain records of special waste received.

Written comments may be directed to Lavoy Haage, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, FAX (515)281-8895, on or before Interested persons may also provide oral comments at a public hearing to be held Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa.

These amendments are intended to implement Iowa Code sections 455B.304.

These amendments may impact small businesses.

The following amendments are proposed.

ITEM 1. Amend rule 567-100.2(455B, 455D), definition of "Toxic and hazardous wastes," as follows:

"Toxic and hazardous wastes" means waste materials, including but not limited to poisons, pesticides, herbicides, ~~fungicides, insecticides, acids, caustics, pathological wastes,~~ flammable or explosive materials and similar harmful wastes which ~~require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety, because of their physical, toxicological, or chemical properties, are a waste which may not be disposed of in a sanitary landfill.~~ All wastes which are subject to regulation as "hazardous wastes" under the federal Resource Conservation and Recovery Act are "toxic and hazardous wastes", except wastes which are specifically excluded in 40 Code of Federal Regulations 261.4.

ITEM 2. Further Amend rule 567-100.2 by adding the following new definitions as follows:

"Industrial process waste" means waste that is generated as the direct result of producing goods and commodities. It does not include office waste, cafeteria waste, packaging waste or other types of waste that are incidental to production processes.

"Special waste" means waste materials, including but not limited to nonhazardous industrial process wastes, infectious wastes, and similar potentially harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety and may be disposed of in a sanitary landfill in Iowa if authorized by subrule 102.15(2) and the sanitary landfill permit holder.

ITEM 2. Amend subrule 100.3(2) as follows:

~~100.3(2) Industrial sludge and toxic and hazardous waste disposal instructions~~ Special waste disposal certification. Certification of special waste for disposal at a sanitary landfill ~~Requests for special waste authorizations instructions for the disposal of hazardous or toxic waste, as required by 102.14(2) subrule 102.15(2), shall be submitted to: the sanitary landfill permit holder by the generator of the waste.~~

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Further amend subrule 100.3(2) by amending paragraph "a" and "b" as follows:

a. Certification Requests shall be made by submitting information substantially complying with Form 46 (542-3216), "Certification Request for of Special Waste Authorization," accompanied by supporting data as deemed necessary by the department sanitary landfill permit holder. In case of emergency, instructions may be obtained by telephone by calling 515/281-8692 the sanitary landfill permit holder. In those limited circumstances when the waste is unused commercial product in the original container which has attached legible labels and there is a reasonable certainty that the label accurately represents the contents of the container the owner of this waste need only submit a Waste Disposal of Commercial Products Only form, Form 47 (542-3148).

b. Prior to the disposal of special waste, certification and any oral requests ~~Requests, whether written or oral, shall include the following information: Chemical composition of the waste, physical form of waste, volume of the waste to be disposed, any problems associated with any toxic or hazardous components of the waste, and any other information deemed necessary by the department permit holder.~~

ITEM 3. Amend rule 567-102.15(455B) as follows:

Amend the introductory paragraph as follows:

567--102.15(455B) Disposal of special wastes. The goal of the special waste certification program is to ensure that all wastes are properly disposed of and to ensure that toxic and hazardous wastes, as defined in rule 567-100.2(455B, 455D), are not disposed of in a sanitary landfill in Iowa.

Amend subrule 102.15(2) as follows:

~~102.15(2) Industrial sludge and toxic and hazardous waste. Special waste.~~ No industrial ~~special sludge or toxic and hazardous waste~~ shall be delivered to nor disposed of by a sanitary disposal project landfill unless certification of compliance with this subrule is first delivered to explicit instructions are first obtained from the department sanitary landfill permit holder by the generator of the special waste.

a. For procedure see ~~rule 100.3(2)~~ subrule 100.3(2).

b. Prior to the ~~disposal of special waste~~ issuance of any such instructions, the department sanitary landfill permit holder may require that a proposal for disposal of such waste in conformance with these rules, with supporting data as may be deemed necessary, be submitted by the originator of such waste for evaluation by the department. ~~The prohibition of such waste shall continue in effect until an acceptable procedure for processing or disposal has been developed and approved analytical testing supporting the characterization of the waste as nonhazardous, and may issue explicit instructions for the handling and disposal of the waste.~~ Analytical testing requirements include (1) characteristic of ignitability, (2) characteristic of corrosivity, (3) characteristic of reactivity, (4) Toxicity Characteristic Leaching Procedure (TCLP) for all Toxicity Characteristic (TC) analytes, and (5) Paint Filter Liquids Test. Methods to be used for determining these characteristics are Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, November, 1986, Third Edition, U.S. EPA, SW-846, and additions thereto. The analytical results must be submitted along with the "Certification of Special Waste, " Form 46 (542-3216). The TC testing requirements may be altered if the sanitary landfill permit holder believes there is sufficient evidence supporting the absence of a constituent or constituents usually required by the TCLP. Material Safety Data Sheets may be used as supporting evidence if the waste constituents are clearly listed. The sanitary landfill operator may refuse any Material Safety Data Sheet which is not properly and sufficiently prepared.

c. All ~~toxic or hazardous waste or industrial sludge~~ special waste for which instructions have been received shall be disposed of according to those instructions.

Further amend subrule 102.15(2) by adding paragraph e, f, and g.

e. The sanitary landfill operator permit holder shall maintain any analytical test data submitted from a waste generator, completed Certification of Special Waste forms, and original issued special waste certifications including any special handling instructions. These records shall be maintained on file at the landfill office. The landfill permit holder shall also maintain on file at the landfill office starting within seven months from the effective date of these rules, and semiannually thereafter, a report summarizing identification of the wastes and volumes certified, the waste generator, the period of disposal, copies of disposal records, the date of disposal, petroleum contaminated soil quarterly testing results, and if a certified waste is not received.

f. Wastes may be disposed of under a special waste certification if the waste is nonhazardous as determined by the following criteria:

(1) No TC analytes as determined using the TCLP over the following federally regulated levels:

<u>Arsenic</u>	<u>5.0 mg/l</u>
<u>Barium</u>	<u>100.0 mg/l</u>
<u>Benzene</u>	<u>0.5 mg/l</u>
<u>Cadmium</u>	<u>1.0 mg/l</u>

<u>Carbon tetrachloride</u>	<u>0.5 mg/l</u>
<u>Chlordane</u>	<u>0.03 mg/l</u>
<u>Chlorobenzene</u>	<u>100.0 mg/l</u>
<u>Chloroform</u>	<u>6.0 mg/l</u>
<u>Chromium</u>	<u>5.0 mg/l</u>
<u>o-Cresol</u>	<u>200.0 mg/l</u>
<u>m-Cresol</u>	<u>200.0 mg/l</u>
<u>p-Cresol</u>	<u>200.0 mg/l</u>
<u>Cresol</u>	<u>200.0 mg/l</u>
<u>2,4-D</u>	<u>10.0 mg/l</u>
<u>1,4 Dichlorobenzene</u>	<u>7.5 mg/l</u>
<u>1,2 Dichloroethane</u>	<u>0.5 mg/l</u>
<u>1,1 Dichloroethylene</u>	<u>0.7 mg/l</u>
<u>2,4 Dinitrotoluene</u>	<u>0.13 mg/l</u>
<u>Endrin</u>	<u>0.02 mg/l</u>
<u>Heptachlor (and its hydroxide)</u>	<u>0.008 mg/l</u>
<u>Hexachlorobenzene</u>	<u>0.13 mg/l</u>
<u>Hexachloro-1,3-butadiene</u>	<u>0.5 mg/l</u>
<u>Hexachloroethane</u>	<u>3.0 mg/l</u>
<u>Lead</u>	<u>5.0 mg/l</u>
<u>Lindane</u>	<u>0.4 mg/l</u>
<u>Mercury</u>	<u>0.2 mg/l</u>
<u>Methoxychlor</u>	<u>10.0 mg/l</u>
<u>Methyl ethyl ketone</u>	<u>200.0 mg/l</u>
<u>Nitrobenzene</u>	<u>2.0 mg/l</u>
<u>Pentachlorophenol</u>	<u>100.0 mg/l</u>
<u>Pyridine</u>	<u>5.0 mg/l</u>
<u>Selenium</u>	<u>1.0 mg/l</u>
<u>Silver</u>	<u>5.0 mg/l</u>
<u>Tetrachloroethylene</u>	<u>0.7 mg/l</u>
<u>Toxaphene</u>	<u>0.5 mg/l</u>
<u>Trichloroethylene</u>	<u>0.5 mg/l</u>
<u>2,4,5-Trichlorophenol</u>	<u>400.0 mg/l</u>
<u>2,4,6-Trichlorophenol</u>	<u>2.0 mg/l</u>
<u>2,4,5-TP (Silvex)</u>	<u>1.0 mg/l</u>
<u>Vinyl chloride</u>	<u>0.2 mg/l</u>

(2) Paint-related wastes require TCLP testing.

(3) No free liquids as determined by the Paint Filter Liquids Test.

(4) pH of solid in 10% solution not less than or equal to 2 or greater than 12.5.

(5) Does not meet any of the federal Resource Conservation and Recovery Act criteria for listed or characteristic hazardous wastes.

g. Specific types of wastes requiring a Special Waste Certification for disposal in a sanitary landfill.

(1) Industrial sludges. Analytical testing requirements include the Characteristic of Toxicity for all TC analytes, the Paint Filter Liquids Test, and pH. If solvents are used in the process which generates the sludge, the additional TC organics are required.

(2) Paint, stain, and varnish wastes (filters, overspray, sludges). Analytical testing requirements include the Paint Filter Liquids Test, TCLP, and pH.

(3) Incinerator ash, fly ash, baghouse dust. Analytical testing requirements include the TCLP.

(4) Sandblast waste. Analytical testing requirements include TCLP and pH.

(5) Filtering medial. Analytical testing requirements include TCLP and pH.

(6) Sharps. Must be sterilized and disposed of in a rigid container, or incinerated, mechanically destroyed, granulated, shredded, or otherwise treated to sufficiently render the sharps as non-useable and to eliminate the hazard of cuts or punctures. No analytical testing required.

(7) Other infectious wastes (except contaminated sharps). If sterilized by autoclaving (steam sterilization), must be sterilized in a bag manufactured for stability during sterilization. The bag must have a special tape in the upper one-third portion that will have black or dark brown lines running through it showing that sterilization took place after the tape was applied to the bag. If incinerated, must be rendered nonrecognizable. Other methods of rendering infectious waste nonpathogenic will be considered on a case-by-case basis. Testing requirements for methods other than sterilization (autoclaving) and incineration would be the characteristics of toxicity and corrosivity. In addition to the submission of analytical data, the generator of the infectious waste would be required to submit data to the sanitary landfill operator to show that the infectious waste is no longer pathogenic.

(8) Pharmaceuticals and biological products. Labels listing chemical composition must accompany Form 46.

(9) Industrial process waste. Analytical testing requirements include TCLP, pH, and Paint Filter Liquids Test.

(10) PCB-contaminated wastes. Analytical testing requirements include PCB content. Wastes having PCBs at concentrations of 50 ppm or greater shall not be authorized for disposal.

(11) Captan-treated seed bags. There are no analytical testing requirements but special handling is required at the sanitary landfill.

(12) Pesticide-contaminated wastes containing less than 10 ppm total pesticides as determined on an extract of the waste prepared in accordance with the TCLP.

(13) Polynuclear Aromatic Hydrocarbon (PAH)-contaminated soil may be disposed of if the Total PAH level is below 500 ppm for compounds: Acenaphthene, Acenaphthylene, Anthracene, Benzo(a)Anthracene, Benzo(a)Pyrene, Benzo(b)Fluoranthene, Benzo(g,h,i)Perylene, Benzo(k)Fluoranthene, Chrysene, Dibenzo(a,h)Anthracene, Fluoranthene, Fluorene, Indeno(1,2,3-cd)Pyrene, Napthalene, Phenanthrene, and Pyrene and the Total Carcinogenic PAH level is below 100 ppm for compounds: Benzo(a)Anthracene, Benzo(a)Pyrene, Benzo(b)Fluoranthene, Benzo(k)Fluoranthene, Chrysene, Dibenzo(a,h)Anthracene, Indeno(1,2,3-cd)Pyrene. Methods to be used for determining these compounds are Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, November 1986, Third Edition, U.S. EPA, SW-846, and additions thereto.

(14) Aflatoxin-contaminated wastes may be disposed of at levels of 500 ppb or lower.

Date

Larry J. Wilson, Director

Mr. McAllister presented a history of the SWA program. He reviewed the rules expanding on the four options from which the Commission may choose for adoption. He related that the federal government does not make many mandates on the program because they do not put any money into it. Additionally, he noted that activity in this program is lower in priority than many other programs in the division, and therefore is time to drop it and let local entities take care of it.

Director Wilson distributed copies of a letter to the Commission, from Jim Ulveling, Carroll County Solid Waste Commission, urging the Commission to keep the SWA program within the department.

Commissioner Siebenmann commented that she feels this is a step backward and could lead to much inconsistency in the program as the locals do not have the necessary expertise to handle it.

Chairperson Hartsuck analyzed the issue and noted that he would favor Option #3 covering the self-policing rules.

Charlotte Mohr asked if funding for the program could come from the tonnage fees.

Director Wilson stated that the Commission does not have the authority to allocate tonnage fees, they are handled through the legislature.

A lengthy discussion took place centering around the self-policing aspect and lack of enforcement controls under this scenario. Also discussed was the possibility of a permit fee to fund keeping the program at DNR, but it was pointed out that permit fees go into the general fund. Further discussion related to seeking funds for this program from the legislature.

William Ehm noted that staff is relating that they do not have the money to run the program and the landfill operators are saying they do not want the program, and he does not feel it is the Commission's responsibility to hammer out the details of a satisfiable SWA program.

Nancylee Siebenmann stated that there is a very large principal involved and that is whether or not the program is to be kept under DNR control.

Motion was made by William Ehm to approve the adoption of Option 1-a and the pursuit of Option 3. Seconded by Richard Hartsuck.

Gary Priebe asked if this action will put the responsibility of the program on the landfills.

Mr. Murphy replied that it would give landfill operators that responsibility.

Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Britt, Ehm, Priebe, and Hartsuck. "Nay" vote was cast by Commissioners King, Mohr, Siebenmann, and Yeager. Motion failed on a vote of 4-Aye to 4-Nay.

MOTION FAILED

Chairperson Hartsuck asked if the members who voted against the motion would state why they did so.

Charlotte Mohr stated that she voted against it because all of the phone calls and communications she received were all in favor of keeping the program as it is.

Nancylee Siebenmann stated that she is against it on the principal that the department is abrogating the responsibility that she feels belongs at the state level. She added that she feels there can be some compromise made but the program should be kept at the state level.

Clark Yeager stated that he is concerned about the policing power of the local landfill.

Rozanne King stated that it really goes against her philosophy to turn it over to the local entities without funding, and she feels the state can do a better job of it. She added that she does not agree with giving the program to the landfills without the policing.

Chairperson Hartsuck stated that Option 3 does not add any cost to the landfill operation.

Discussion followed regarding additional costs, requirements, responsibility for the landfill operators, and possibly working out problems with landfill operators and other interested parties.

Charlotte Mohr suggested leaving the SWA program as it is now and then take the issue to the legislature in January.

Motion was made by Nancylee Siebenmann to adopt Option 1-a with deletion of the last sentence and strongly urge legislative action to maintain the SWA program under the direction and accountability of the DNR. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED OPTION 1-A AS AMENDED

Mr. Stokes explained that this action adopts the portion of the rule which provides exemptions for medical wastes and leaves the character of the program in its current form and format.

FINAL RULE--CHAPTER 135, UNDERGROUND STORAGE TANK ABILITY TO PAY

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to adopt the attached amendment to Chapter 135, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks." The proposed amendment adds a new subrule 135.11 that provides methods for evaluating the financial condition of individual and corporate owners and operators of underground storage tanks who claim a financial inability to comply with corrective action and closure of underground storage tanks under Chapter 135. The department will be using the evaluation methods to provide guidance in assessing individual claims.

The department is required to determine a responsible party's ability to pay as one of a number of conditions which authorize the use of "Federal LUST Trust Fund" monies for corrective action as provided in 42 U.S.C. 6991b(h)a and the department's cooperative agreement with the federal Environmental Protection Agency. In addition, evaluation of a responsible party's financial ability will assist the department in planning decisions including enforcement options.

ENVIRONMENTAL PROTECTION COMMISSION[567]
Adopted and Filed

Pursuant to the Authority of the Iowa Code section 455B.474, the Environmental Protection Commission adopted at a public meeting held August 16, 1993, new rule 135.11 that amended Chapter 135, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks." The rule was published as a Notice of Intended Action, ARC 3840A, in the March 17, 1993, Iowa Administrative Bulletin.

The proposed rule pertained to the policy and procedure the department would apply when evaluating claims by owners and operators of underground storage tanks of financial inability to comply with corrective action and tank closure requirements.

A public hearing on the new subrule was held April 8, 1993, with no one attending. One written comment was received. The concern raised was that the guidance materials used in assessing both corporate and individual data did not adequately explain how the determination of financial ability or inability is made as opposed to simply the entry and manipulation of financial data.

In regard to the evaluation of individual financial conditions, the department agrees that the guidance does not provide for specific criteria to be applied against financial data which will result in a determination of ability or inability. The department intends to use the guidance merely as a tool in assessing claims on a case by case basis applying accepted financial assessment methods in making a determination of financial ability to pay for a particular corrective action or closure requirement. Assessment of cash flow, liquid and non-liquid assets, short and intermediate financing potential, and asset exemptions will be analyzed.

Similarly, the corporate "ABEL" guidance applies a complicated set of generally accepted financial models for assessing past and future cash flow. The methodology is explained in the "ABEL Users Manual", Appendix A and B. The method uses a statistical modeling method for predicting future cash flow. It does not, for example, closely evaluate the use of assets in assessing financial ability and is limited to information provided on Federal tax forms. Although the ABEL model does have a method for determining financial ability, the determination is not

conclusive. Other factors may be considered on a case by case basis, especially when reviewing smaller, closely held corporations.

The primary purpose of the rule is to give the regulated public notice that claims of financial inability will be evaluated for purposes of assessing enforcement options and determining financial conditions which would authorize the use of Federal LUST Trust Fund money for corrective action. The department believes that the assessment process involves too many case specific factors to warrant a more specific set of criteria. More experience with the process may result in the development of more specific guidance policies.

The adopted rule makes several revisions of the rule as previously published which the department believes are not substantial modifications requiring additional notice. The modifications state the department may request additional financial information from time to time in order to verify or supplement reported data (last sentence in subrule 135.11(1)). The rule more clearly states that the use of the individual and corporate guidance materials are only one tool in assessing financial ability and that the department intends to use generally accepted principles of financial assessment utilized in the finance industry (added to the end of subrules 135.22(2) and (3)).

This amendment is intended to implement Iowa Code section 455B.474.

ITEM 1. Add the following new subrule 135.11:

567--135.11(455B) Evaluation of Ability to Pay.

135.11(1) General. The ability to pay guidance procedures referenced in this rule will be used by the department when an owner or operator of an underground storage tank (UST) claims to be financially unable to comply with corrective action requirements under 135.7(455B) and 135.8(455B) or closure investigation requirements under 135.9(455B). If an owner or operator of a regulated UST claims to be financially unable to meet these departmental requirements, that responsible party must provide documentation of their finances on forms provided by the department in order for the department to act on the claim of financial inability. The department may request additional financial documentation to verify or supplement reported information.

135.11(2) Individual Claims. The financial ability of individual owners and operators of USTs, with or without an active business, (including but not limited to sole proprietorships and general partnerships), shall be evaluated using the "Individual Ability to Pay Guidance" document dated June 19, 1992 and generally accepted principles of financial analysis. This guidance is only one tool the department may use in evaluating claims of financial inability.

135.11(3) Corporate Claims. The financial ability of corporate owners and operators of underground storage tanks shall be evaluated using the June 1992 version of "ABEL" developed by the U.S. Environmental Protection Agency and generally accepted principles of financial analysis. This guidance is only one tool the department may use in evaluating claims of financial inability.

135.11(4) Federal LUST Trust Fund. The financial ability of owners and operators of USTs shall be evaluated for the purpose of determining if the department is authorized to use federal LUST Trust Fund monies as provided in the current cooperative agreement with the U.S. Environmental Protection Agency, Region VII. A determination of financial inability does not create an entitlement or any expectation interest on behalf of an owner or operator that Federal LUST Trust Fund monies will be used for corrective action at any individual site.

135.11(5) The evaluation of financial ability will also be used by the department in making other administrative planning decisions including but not limited to decisions as whether to pursue and when to pursue administrative or judicial enforcement of regulatory and statutory duties and the assessment of penalties. A determination of financial inability does not create an entitlement or expectation interest that enforcement actions will be deferred or suspended. The evaluation of this factor is only one of many affecting the department's fully discretionary decisions regarding enforcement options and program planning.

135.11(6) An evaluation of financial inability as provided in this rule does not relieve any owner or operator of legal liability to comply with department rules or Iowa Code chapter 455B or provide a defense to any legal actions to establish liability or enforce compliance.

Mr. Stokes briefly reviewed the rules and Mrs. McAllister's comments made earlier today in regard to the rules. He related that staff would be willing to continue to discuss the issue with Mrs. McAllister and if able to make changes at a later date would do so, but noted that there needs to be some form of guidance in the interim. He related that the 180 day rulemaking deadline would be up by October 6.

Motion was made by Clark Yeager to approve Final Rule--Chapter 135, Underground Storage Tank Ability to Pay. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED CONTESTED CASE DECISION--MARJORIE M. JARVIS

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On May 28, 1993, the Department issued Administrative Order 92-UT-40 to Terry Strong and Marjorie Jarvis. That action required the parties to properly close underground storage tanks and to pay overdue registration and management fees. That action was appealed by Marjorie Jarvis, and the matter proceeded to administrative hearing on August 6, 1993. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on August 24, 1993. The decision affirms the Department's Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

The Commission took no action; this has the effect of upholding the ALJ decision in the absence of an appeal.

ALJ DECISION UPHELD

REFERRALS TO THE ATTORNEY GENERAL (CONTINUED)

McGill Asbestos Abatement Co., Inc.

Mr. Murphy stated that staff will withdraw this referral as the penalty has been paid.

REFERRAL WITHDRAWN

Clear Lake Stock Farms

Mr. Murphy briefed the Commission on the history of this case involving illegal dumping of solid waste.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

REFERRED

Anderson Excavating and Wrecking Company

Mr. Murphy briefed the Commission on the history of this case involving noncompliance of notification requirements for asbestos removal.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Nancylee Siebenmann. Motion carried unanimously.

REFERRED

Full Moon Saloon

Mr. Murphy stated staff will withdraw this referral as this party paid their penalty and submitted the required operation permit application.

REFERRAL WITHDRAWN

PETITION FOR RULEMAKING - LEACHATE CONTROLS

September 1993

Environmental Protection Commission Minutes

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

At their July meeting, the Commission considered a petition for rulemaking from members of the solid waste operators community for changes to the departments rules addressing leachate control / recovery systems. The Commission tabled decision on that petition for sixty days, to allow time for the department to meet with representatives of the Solid Waste Operator's Association to discuss potential resolution of perceived problems.

The department has met with solid waste officials, and continues to work with them to address these concerns. Unfortunately, this work will not be completed by the Commission's September meeting.

The Commission will be asked to again table final decision on the petition to allow the additional time for the department to work with solid waste officials on consensus resolution of the issues.

Mr. Stokes stated that more time is need to work on language revisions even though staff have met with solid waste operators. He asked the Commission to remove the matter from the table and then retable it for 60 days.

Motion was made by Gary Priebe to remove the Petition for Rulemaking - Leachate Controls from the table. Seconded by Verlon Britt. Motion carried unanimously.

ITEM REMOVED FROM TABLE

Motion was made by Gary Priebe to table the Petition for Rulemaking - Leachate Controls for 60 days. Seconded by Rozanne King. Motion carried unanimously.

TABLED FOR 60 DAYS

1994 LEGISLATION

Larry Wilson, Director, presented the following item.

ENVIRONMENTAL PROTECTION COMMISSION LEGISLATIVE PROPOSALS

Amendments to Existing Solid Waste Authority.

(New Proposal)

Two issues can be presented as one proposal. First, a recent Iowa Supreme Court decision held that while open dumping is illegal, maintaining an open dump site is not. Change is needed if the department is to successfully close open dumps and avoid new dumping. Open dumps encourage people not to use the landfill. A second issue is an extension to the life of permits for sanitary

disposal projects. Extending the current limit of three years to ten years will greatly reduce the staff effort required. The proposal must allow DNR to amend a permit during its term to allow for new federal or state mandates, or EPA would object to the change. Permittees would like longer terms, but those who want more public involvement may feel that ten years is too long. The ability to amend permits noted above should satisfy concerns.

Waste Oil Collection.

(1993 EPC Bill)

No Iowan should have to leave their county in order to properly deposit used oil for recycling. Senate File 368, which required each person selling oil to accept waste oil was not well received. It is suggested that each county government be made responsible for providing for at least one location in the county where citizens could take waste oil. We understand that this proposal will only affect only a few counties. A county could meet the mandate by either providing a site in the county on its own or ensuring that at least one site operated by a private party is available in the county to accept waste oil from residents.

Recycling Areas for Businesses and Apartments.

(1993 EPC Bill)

SF 330 should be modified to deal only with the following concerns. For many persons living in apartments, recycling activity is stymied by a lack of space. While change to existing apartments could be expensive, new units could be designed to provide for a common area for the storage and separation of recyclable materials. For businesses, a small space set aside to support an active recycling effort can yield beneficial results. Legislation should be recommended which requires such areas be included in plans for all new apartment buildings with 24 or more units or new facilities for businesses with 100 or more employees.

* * * *

Clarification of Container Redemption Requirements. (1993 Departmental Bill)

Two minor improvements to the container program could greatly improve its operation. The first issue would be to require the acceptance of returned crushed containers of all types except for broken glass by all distributors. Current law refers to metal containers and to "beer" containers. The second proposed change would be to clarify the definition of a distributor. There have been questions raised as to who is a distributor.

Ten Year Waste Water Construction Moratorium. (1993 Departmental Bill)

It is again suggested that the legislature be asked to remove the statutory ten year moratorium on new requirements for waste water plants to avoid problems caused by EPA's view that this is a defect in Iowa's waste water program. An argument could be made that the state should defer due to Ames' litigation. However, resolution of the issue would avoid the prospect of dual enforcement roles and reduce the time that staff must devote to resolving these issues. Other cities have voluntarily asked the state to issue a permit that is acceptable to EPA.

Mr. Wilson presented the legislative proposals and asked the Commission to review them and return next month with comments as well as any issues they would like to see taken to the legislature. Director Wilson distributed a supporting document for the proposal on Amendments to Existing Solid Waste Authority.

September 1993

Environmental Protection Commission Minutes

Clark Yeager suggested reducing the Landfill Alternative Grants program and making it into a revolving fund type program for waste recycling.

Chairperson Hartsuck stated that that type of change would require rulemaking rather than a legislative proposal.

INFORMATIONAL ONLY

GENERAL DISCUSSION

Educational presentation on Air Permits Program

NEXT MEETING DATES

October 18, 1993

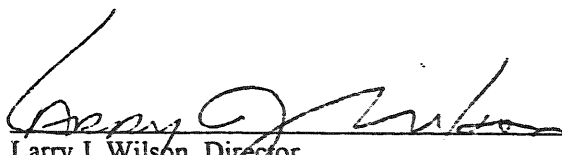
November 15, 1993

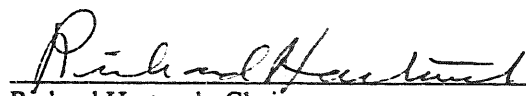
December 20, 1993

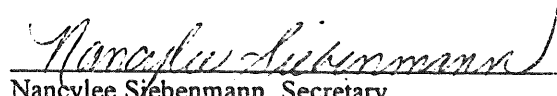
ADJOURNMENT

Motion was made by Rozanne King to adjourn the meeting. Seconded by Nancylee Siebenmann. Motion carried unanimously.

With no further action to come before the the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 5:00 p.m., Monday, September 20, 1993.


Larry J. Wilson, Director


Richard Hartsuck, Chairperson


Nancylee Siebenmann, Secretary

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EPC Meeting
Sept. 1993
ADM-1-1-1
JK

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
September 20, 1993

Meeting convenes at 10:00 a.m., Monday, September 20, 1993, in the fourth floor conference room.

- | | |
|------------------------------------|------------|
| Public Participation | 10:30 a.m. |
| Energy Bank Program - Monica Stone | 11:00 a.m. |
| City of Orchard (Item #17) | 1:00 p.m. |
| City of Waterloo (Item #19A) | 2:00 p.m. |
1. Approve Agenda.
 2. Approve Minutes of August 16, 1993.
 3. Director's Report. (Wilson) Information.
 4. Construction Site Erosion Control Manual - Contract Approval. (Kuhn) Decision.
 5. Wetlands Protection Strategy Contract - Iowa Natural Heritage Foundation. (Kuhn) Decision.
 6. Section 319 Contracts. (Kuhn) Decision.
 7. 1994 Environmental Monitoring and Laboratory Services Agreement with the University of Iowa. (Stokes) Decision.
(Kuhn)
 8. Waste Characterization and Recycling Statistics. (Hay) Information.
 9. Landfill Alternatives Grant Applications. (Hay) Information.
 10. Landfill Alternatives Grant Contract Approval - Animal Rescue League of Iowa, Inc. (Hay) Decision.
 11. Landfill Alternatives Grant Contract Approval - Mason City Recycling Center. (Hay) Decision.
 12. Monthly Reports. (Stokes) Information.
 13. Notice of Intended Action--Chapter 131, Notification of Hazardous Conditions. (Stokes) Decision.
 14. Notice of Intended Action--Chapter 22, Air Emission Source Operating Permits. (Stokes) Decision.

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15. **Final Rule--Chapters 100 and 102, Special Waste Authorizations. (Stokes) Decision.**
16. **Final Rule--Chapter 135, Underground Storage Tank Ability to Pay. (Stokes) Decision.**
17. **City of Orchard - Appeal of Variance Denial. (Stokes) Decision.**
18. **Proposed Contested Case Decision--Marjorie M. Jarvis. (Stokes) Decision.**
19. **Referrals to the Attorney General. (Stokes) Decision.**
 - (a) **City of Waterloo**
 - (b) **McGill Asbestos Abatement Company, Inc. (Omaha)**
 - (c) **Clear Lake Stock Farms, Inc. (Osceola County)**
 - (d) **Anderson Excavating and Wrecking Co. (Omaha)**
 - (e) **Full Moon Saloon (Jesup)**
20. **Petition for Rulemaking - Leachate Controls. (Stokes) Decision.**
21. **1994 Legislation. (Wilson) Information.**
22. **General Discussion.**
23. **Address Items for Next Meeting.**

NEXT MEETINGS:

October 18, 1993

November 15, 1993

December 20, 1993

ENVIRONMENTAL PROTECTION COMMISSION

Monday, September 20, 1993

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Jeff Doeschot	Ag Processing Inc	Omaha
Joe Robertson	Marshall County Solid waste	Marshalltown
Dave Thompson	Brown Engineering Co.	WDM
Shannon Fesenmayer	Agribusiness of IA	DSM
DANNY VEST	GROWMARK, INC	BLOOMINGTON, IL
Stuart Feldskin	Ry. Nishna Sanitary Service	Red Oak
Craig Duffy	ISOSWO	Tracy,
Perry Beemer	Marion Co. Landfill	Dm
Jack Clark	Dm Register	OSM
Amy Christensen-Loub	Iowa Utility Assoc	Des Moines
Jack Seemer	Sullivan & Ward	D.M.
LESLIE WOLFE	ABI	AMES
Jane McAllister	ISOSWO	DSM
John Green	Adlers Law Firm	S.C.
VERN Beachy	City of Sioux City	DSM
Scott Rocky	ISOSWO	DSM
Kathie Obradovich	Radio Iowa	DSM
	Nyemaster Law Firm	DSM
	Lee Newspapers	DSM

ENVIRONMENTAL PROTECTION COMMISSION

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Rod Van Dusseldorp	City of Newton	
James F. Bhazek	Hardin County	
Doug LeFayette	Grain Processing Corp.	
LINDA GOELDER	IOWA HOSPITAL ASSOC	Des Moines
John Monahan	Sixteen Club	
Chris Gault	Farm Bureau	
Pam Neely	Northern Natural Gas Co.	
Doug Rushing	Monsters	
Tom Seem	A. I. P.	
Berrie Kuchnick	Dr. Assn. of the Cooperatives	
Laurie Carlson	Un. Institute for Cooperatives	
Rod Boshart	C.R. Gazette	
Maynard Jahn	Iowa Callman	
Mark Tinsdell	Bering Law Firm.	
Bob Mulgrew	Iowa State Association of Counties	
Kurt Luebke	Monsters and	

ENVIRONMENTAL PROTECTION COMMISSION

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
JOHN W. MEYER	CITY OF WATERLOO	WATERLOO
BOB BAMSEY	RUST	WTRCO
GARY SIMMONS	City of Waterloo	waterloo
John Lapointe	Yassby Colby Assoc. (Masan City)	Representing City of Orchard
SIM CARROLL	RDA (FHA)	D. m
GENE CROSBY	RDA	D. m
CARL STUICK	City of Orchard	Orchard
Linda King Kading	Ja. Assn of Muni. Utilities	DSM
Phyllis Kungling	Drake Univ.	DSM
Lana Karen	Drake U.	DSM
Kim Ehlers	Drake U.	DSM
Katie Gieson	Drake U	DSM
Heely Joad	"	DSM
Jose Wilson	"	DSM
Jennifer Fulton	"	DSM
Deanna Brown	"	DSM
Jenny Morsch	"	DSM